



California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. PUBLIC EMPLOYEES' RETIREMENT SYSTEM

NOTICE IS HEREBY GIVEN that the Board of Administration (Board) of the California Public Employees' Retirement System (CalPERS) proposes to take the regulatory action described below after considering public comments, objections, or recommendations.

I. PROPOSED REGULATORY ACTION

In this filing, the Board proposes to add § 599.518 to Title 2 of the California Code of Regulations (CCR), entitled "Coverage — Appeals." The proposed regulations clarify the health coverage appeals process, specifically requiring members to exhaust all available appeal processes prior to appealing to the CalPERS Board pursuant to Government Code (GC) § 22848.

II. WRITTEN COMMENT PERIOD

Any interested person may submit written comments relevant to the proposed regulatory action. The written comment period has been established commencing May 9, 2014 and closing at 5:00 p.m. June 23, 2014. The Regulation Coordinator must receive all written comments by the close of the comment period. Comments may be submitted via Fax at (916) 795-4607; via E-mail at Regulation_Coordinator@calpers.ca.gov, or mailed to the following address:

Anthony Martin, Regulation Coordinator
California Public Employees' Retirement System
P.O. Box 942702
Sacramento, CA 94229-2702
Phone: (916) 795-3038

III. PUBLIC HEARING

Pursuant to GC § 11346.8, the Board has not scheduled a public hearing on this matter. However, if any interested person, or his or her duly authorized represen-

tative, submits in writing to the CalPERS Regulation Coordinator, a request for a public hearing at least 15 days prior to the close of the written comment period, June 8, 2014, a public hearing shall be scheduled before the CalPERS Pension & Health Benefits Committee. Notice of the time, date, and place of the hearing will be provided to every person who has filed a request for notice with CalPERS.

IV. ACCESS TO HEARING ROOM

The hearing room will be accessible to persons with mobility impairments, and the room can be made accessible to persons with hearing or visual impairments upon advance request to the CalPERS Regulation Coordinator.

V. AUTHORITY AND REFERENCE

The Board has authority to take regulatory action under GC § 22794 and GC § 22796.

Reference citation: GC § 22848

VI. INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Public Employees' Medical and Hospital Care Act (PEMHCA) allows California Public Employees' Retirement System (CalPERS) members, who are dissatisfied with any action or failure to act in connection with their health benefits coverage or that of a family member, the right to appeal to the CalPERS Board of Administration (Board) and an opportunity for a fair hearing. PEMHCA, however, does not require CalPERS members to exhaust any appeal processes provided by the health plans or any state agency that may regulate the health plan in which members and their dependents are enrolled. These appeal processes include the Patient Protection Affordable Care Act's (ACA) External Review (ER) process for members enrolled in CalPERS Exclusive Provider Organization (EPO) and Preferred Provider Organization (PPO) health plans, the Department of Managed Health Care's (DMHC) independent medical review (IMR) process for members enrolled in CalPERS Health Maintenance Organization (HMO) health plans, and DMHC's complaint process for members enrolled in CalPERS HMO health plans for matters not eligible for an IMR.

Since CalPERS members are not required to exhaust the aforementioned appeals processes, it is challenging for the CalPERS unit charged with managing appeals. One of the challenges the unit encounters is identifying the various entities that have either reviewed or issued decisions regarding coverage. The regulations would provide a standardized appeals process for CalPERS

members, eliminate confusion within the appeals process, and reduce the risk that the CalPERS Board's decision(s) will be overturned by an independent review organization (IRO) or another state agency; therefore, ensuring that the final determination regarding health coverage remains with the CalPERS Board.

This rulemaking action clarifies that all available appeal options must be exhausted prior to appealing to the CalPERS Board pursuant to GC § 22848, thereby improving the management of appeals to the CalPERS Board and affirming its fiduciary authority in rendering the final decision regarding health coverage.

Consistency Evaluation

CalPERS has evaluated and determined that the proposed regulations are not inconsistent, nor incompatible with existing State regulations. There are no other comparable existing State regulations pursuant to GC § 11346.5, subdivision (a), paragraph (3)(D).

Anticipated Benefits

CalPERS believes that the adoption of this regulation will benefit the health and welfare of California residents by ensuring program integrity and sustainability of the CalPERS health benefits programs which covers more than 1.3 million active and retired state, local government, and school employees, and their family members. There is no existing, comparable federal regulation or statute.

PRE-NOTICE CONSULTATION WITH THE PUBLIC

The proposed regulations contain technical changes needed to clarify the language in the Public Employees' Medical and Hospital Care Act (PEMHCA) regarding the Member Health Appeals Process. Therefore, no pre-notice consultation was done with the public.

VII. EFFECT ON SMALL BUSINESS

The proposed regulatory action does not affect small business because it applies only to the California Public Employees' Retirement Law.

VIII. DISCLOSURES REGARDING THE PROPOSED RULEMAKING ACTION

The Board has made the following initial determinations:

A. **MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS:** This regulation package will not impose any mandates on local agencies and school districts.

B. **COST OR SAVINGS TO ANY STATE AGENCY:** The proposed regulatory action will not result in any cost or savings to any State agency.

C. **COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT:** The proposed regulatory action does not impose costs on any local agency or school district.

D. **NONDISCRETIONARY COSTS OR SAVINGS IMPOSED ON LOCAL AGENCIES:** The proposed regulatory action does not impose any nondiscretionary costs or savings on local agencies.

E. **COST OR SAVINGS IN FEDERAL FUNDING TO THE STATE:** There are no costs or savings in federal funding to the state.

F. **ADVERSE ECONOMIC IMPACT:** The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses including the ability of businesses in California to compete with businesses in other states.

G. **COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES:** CalPERS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

H. **RESULTS OF THE ECONOMIC IMPACT ANALYSIS:** The proposed regulatory action will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; (3) affect the expansion of businesses currently doing business within California; or (4) affect worker safety or the state's environment.

CalPERS believes the adoption of this regulation benefits the health and welfare of California residents by ensuring program integrity and sustainability of the CalPERS health benefits programs which cover more than 1.3 million active and retired state, local government, and school employees, and their family members.

I. **EFFECT ON HOUSING COSTS:** The proposed regulatory action has no effect on housing costs.

J. **COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT WHICH MUST BE REIMBURSED IN ACCORDANCE WITH GC § 17500 THROUGH § 17630:** There are no costs to any local agency or school district which must be reimbursed in accordance with GC § 17500 through § 17630.

IX. CONSIDERATION OF ALTERNATIVES

In accordance with GC § 113466.5 (a)(13), the Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or provision of law.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at a requested hearing or during the written comment period.

X. CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Maria Recendez, BPPP Legislative Coordinator
California Public Employees' Retirement System
P.O. Box 720724
Sacramento, CA 94229-0724
Telephone: (916) 795-9576
Fax: (916) 795-4680
E-mail: Maria.Recendez@calpers.ca.gov

The backup contact person for these inquiries is:

Anita Jones, Analyst
California Public Employees' Retirement System
P.O. Box 720724
Sacramento, CA 94229-0724
Telephone: (916) 795-0997
E-mail: Anita.Jones@calpers.ca.gov

Please direct requests for copies of the proposed text (the "express terms") of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based, to Maria Recendez at the above address.

XI. AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

The entire rulemaking file is available for public inspection by contacting the Regulation Coordinator at the address shown in Section II. To date, the file consists of this notice, the Initial Statement of Reasons (ISOR) and the text of the proposed regulations. A copy of the proposed text and the ISOR is available at no charge by written request to the CalPERS Regulation Coordina-

tor, at the address and phone number listed in Section II. The Final Statement of Reasons can be obtained once it has been prepared.

For immediate access, the regulatory material regarding this action can be accessed at CalPERS' website at www.calpers.ca.gov.

XII. AVAILABILITY OF CHANGED OR MODIFIED TEXT

The Board may, on its own motion or at the recommendation of any interested person, amend the proposed text of the regulations after the public comment period ends.

If the Board amends its regulatory action, a comparison of the original proposed text and the amendments will be prepared for an additional public comment period of not less than 15 days prior to the date on which the Board adopts, amends, or repeals the resulting regulation. A copy of the comparison text will be mailed to all persons who submitted written comments or asked to be kept notified of the results of the regulatory action.

XIII. AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon completion, copies of the Final Statement of Reasons may be obtained by contacting the CalPERS Regulation Coordinator at the address shown in Section II.

TITLE 4. STATE ATHLETIC COMMISSION

NOTICE IS HEREBY GIVEN that the California State Athletic Commission (hereinafter "commission") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held:

June 23, 2014 — 10:00 a.m.

Department of Consumer Affairs
Hearing Room
2005 Evergreen Street
Sacramento, CA 95815

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the commission at its office not later than 5:00 p.m. **June 23, 2014** or must be received by the commission at the hearing. The commission, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently re-

lated to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 18611 of the Business and Professions Code, and to implement, interpret or make specific Sections 18640 and 18645 of said Code, the commission is considering changes to Division 2 of Title 4 of the California Code of Regulations as follows:

INFORMATIVE DIGEST

A. Informative Digest

Adopt section 424. Currently, there is no exemption to allow an athlete to use a medically prescribed drug that may be necessary to maintain the athlete's health. This proposal would establish an exemption process and provide the necessary authority to the commission to allow an athlete to use a medically prescribed drug that is necessary to maintain their health, before or during a match, provided said usage does not provide an advantage to the athlete during competition.

B. Policy Statement Overview/Anticipated Benefits of Proposal

Existing law at Section 18611 of the Business and Professions Code authorizes the commission to adopt, amend, or repeal, in accordance with the Administrative Procedure Act, rules and regulations as may be necessary to enable it to carry out the laws relating to boxing and the martial arts. By adopting section 424, the commission will honor its commitment to the health and safety of athletes, allowing them to use the medication necessary to maintain their health, as diagnosed by a licensed physician.

It is anticipated that the adoption of regulations such as these will protect the health and safety of athletes, prevent discrimination against those athletes with legitimate medical conditions and promote fairness and social equity by allowing eligible legitimate contenders an equal opportunity to enter the ring. The adoption of Rule 424 will allow athletes an avenue, not otherwise afforded, to request permission from the Commission to use a prohibited substance, when proven necessary and that does not provide an unfair advantage during competition, before and during competition. Without this avenue, fighters may choose to fight in other states where exemptions exist, or discontinue taking medications that are necessary thereby risking their health in order to fight in California, or quit fighting altogether.

C. Consistency and Compatibility with Existing State Regulations

The commission has conducted an evaluation for any other regulations on this area and has concluded that these are the only regulations concerning Therapeutic Use Exemption. Therefore, the proposed regulations are neither inconsistent nor incompatible with any other existing state regulations.

D. Document Incorporated by Reference:

"Therapeutic Use Exemption Application" (Revised 1/2014).

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: **None**

Nondiscretionary Costs/Savings to Local Agencies: **None**

Local Mandate: **None**

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: **None**

Cost Impact on Representative Private Person or Business:

The commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON HOUSING COSTS

None

EFFECT ON SMALL BUSINESS

The commission has determined that the proposed regulations would not affect small businesses. The proposed changes provide a mechanism to allow an athlete an avenue to continue to use specific medications necessary to maintain the athlete's health.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The commission concludes that this proposal will affect the State of California business environment as follows:

- Unlikely to eliminate any jobs, including for health care professionals
- Unlikely to create jobs, including for health care professionals
- Unlikely to create new businesses
- Unlikely to eliminate any existing businesses
- Unlikely to expand current business

Benefits of the Proposed Action: The proposed regulation will benefit California residents by protecting

professional athletes by only allowing use of performance enhancing drugs when medically needed and appropriate. It is even possible that the proposal will make promoters within the combative sports industry more likely to promote events due to a consistent therapeutic use exemption policy.

CONSIDERATION OF ALTERNATIVES

The commission must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The commission has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, any document incorporated by reference and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the California State Athletic Commission at 2005 Evergreen Street, Suite 2010, Sacramento, California 95815.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rule-making action may be addressed to:

Name: Sophia Cornejo
Address: 2005 Evergreen Street, Suite 2010
Sacramento, CA 95815
Telephone No.: (916) 263-2195
Fax No.: (916) 263-2197
E-Mail
Address: Sophia.Cornejo@dca.ca.gov

The backup contact person is:

Name: Vern Hines
Address: 2005 Evergreen Street, Suite 2010
Sacramento, CA 95815
Telephone No.: (916) 263-2195
Fax No.: (916) 263-2197
E-Mail
Address: Vern.hines@dca.ca.gov

Website access: Materials regarding this proposal can be found at <http://www.dca.ca.gov/csac>.

TITLE 5. COMMISSION ON TEACHER CREDENTIALING

NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE COMMISSION ON TEACHER CREDENTIALING

NOTICE IS HEREBY GIVEN that the Commission on Teacher Credentialing, pursuant to the authority vested in it by Section 87306 of the Government Code, proposes amendment to its conflict-of-interest Code. The purpose of these amendments is to implement the requirements of sections 87300 through 87302, and section 87306 of the Government Code.

The Commission on Teacher Credentialing proposes to amend its conflict-of-interest code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code.

This amendment makes changes to reflect the current organizational structure of the Department. Copies of the amended code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than June 23, 2014, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than June 8, 2014, by contacting the Contact Person set forth below.

Copies of the proposed amendments may be obtained by contacting the Contact Person set forth below.

The Commission on Teacher Credentialing has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

In making these proposed amendments, the Commission on Teacher Credentialing must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected persons that the proposed amendments.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Ashim Gardner
1900 Capitol Avenue
Sacramento, CA 95811
(916) 324-3937
agardner@ctc.ca.gov

TITLE 13. AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE ENHANCED FLEET MODERNIZATION PROGRAM

The Air Resources Board (ARB or Board) will conduct a public hearing at the time and place noted below to consider the adoption of the amendments to the AB 118 Enhanced Fleet Modernization Program (EFMP) Regulation.

DATE: June 26, 2014
TIME: 9:00 a.m.
PLACE: California Environmental Protection
Agency
Air Resources Board
Byron Sher Auditorium
1001 I Street
Sacramento, California 95814

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., June 26, 2014, and may continue at 8:30 a.m., on June 27, 2014. This item may not be considered until June 27, 2014. Please consult the agenda for the meeting, which will be available at least 10 days before June 26, 2014, to determine the day on which this item will be considered.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW PURSUANT TO GOVERNMENT CODE SECTION 11346.5(a)(3)

Sections Affected: Proposed amendments to California Code of Regulations, title 13, section(s) 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, and 2630.

Background and Effect of the Proposed Rulemaking:

The EFMP is a voluntary accelerated vehicle retirement or "car scrap" program which provides monetary incentives to vehicle owners to retire older, more polluting vehicles. The program reduces emissions by accelerating the turnover and subsequent replacement of the existing light duty fleet with newer, cleaner vehicles. A one-dollar surcharge on motor vehicle registration provides approximately \$30 million annually for EFMP.

ARB adopted EFMP guidelines in 2009 which included two program elements: a Retirement-Only program, and a Pilot Replacement Voucher program.

- *Retirement-Only:* Since August of 2010, the Bureau of Automotive Repair (BAR) has administered the EFMP retirement program, which offers \$1,500 to low-income (i.e., those with an income no greater than 225 percent of the Federal Poverty level) participants and \$1,000 to all others. These criteria are aligned with BAR's Consumer Assistance Program (CAP), which is limited to retiring vehicles that have failed a Smog Check Test. The EFMP retirement-only element is extremely popular with motorists, with over 85,000 vehicles retired since its inception. Approximately 60 percent of the participants have been low-income.

- *Pilot Replacement Voucher:* In June 2012, the South Coast Air Quality Management District initiated a pilot program to provide additional incentives for those participants that not only scrapped an old vehicle, but also replaced it with a cleaner vehicle. This pilot consisted of identifying owners of likely high emitting vehicles and offering them an additional \$2,000 (\$2,500 for low-income) toward the purchase of a newer vehicle less than four years old (or less than 8 years old, if low-income). However, as of November 2013, only 22 people had taken advantage of this offer of additional funds towards vehicle replacement, and the program was suspended.

In 2013, ARB and BAR staff conducted an assessment of vehicles retired through EFMP to determine the program's effectiveness and to identify opportunities for improvement. Staff evaluated a total of 164 vehicles and found that the cost-effectiveness and emissions benefits of the program could be substantially improved by revising the acceptance criteria for retired vehicles. It recommended that the retirement and replacement program be modified to make it easier and more attractive for vehicle owners to participate. These results were presented to the Board in November 2013 and the full report is available at http://www.arb.ca.gov/msprog/aqip/EFMP_Update_Staff_Report_November_2013.pdf

Concurrent with the staff's assessment, Senate Bill 459 Pavley (SB 459, Chapter 437, Statutes of 2013) was enacted, directing ARB to revise the EFMP to increase the benefits of the program for low-income California residents, and increase outreach to community-based organizations.

Objectives and Benefits of Proposed Amendments

The proposed amendments would improve the EFMP by focusing the program on low-income participants, expanding program flexibility to improve program participation, and ensuring that retired vehicles are functional, the last of which will enhance the emissions benefits of the program. Amendments are focused in two areas: a Retirement Only program, and a Pilot Retire and Replace program.

Retirement Only

Staff proposes several modifications to the Retirement-Only portion of the regulation, which would increase the program's effectiveness while retaining its complementary relationship with CAP. The proposed modifications include:

- Offer EFMP retirement only to low-income participants;
- Require the vehicle to complete (but not necessarily pass) a Smog Check test to demonstrate functionality;

- Monitor the program and adjust the incentive levels as necessary to ensure that participation remains high; and
- Provide modifications to ensure consistency with CAP and to simplify implementation.

Pilot Retire and Replace

Staff proposes establishing a new Retire and Replace portion that would:

- Focus the program in the two federal extreme nonattainment areas in California: the San Joaquin Valley and South Coast air basins;
- Provide these two air districts the flexibility necessary to develop their pilot programs for maximum effectiveness, and to allow each district to take one or more approaches to program implementation;
- Limit participation to low- and moderate-income consumers;
- Ensure that the retired vehicle is functional and dismantled at a BAR contracted dismantler;
- Allow minivans that meet minimum fuel economy requirements to be replacement vehicles;
- Require that replacement vehicles be 8 years old or newer;
- Offer additional incentives including advanced technology incentive programs that are still under development;
- Offer the choice of a replacement vehicle or alternative transportation mobility options (e.g., public transportation); and
- Include provisions to protect consumers to ensure that the consumer receives the full benefit of the incentive.

To track pilot program implementation, the districts would be required to report a number of key metrics (e.g., participation and income levels served, etc.) on a quarterly basis. If those reports indicate that participation is low, then ARB and the districts would jointly determine if changes were necessary. Prior to implementation of any changes, the ARB and the districts would be required to conduct public workshops. To ensure the districts have the funding to properly administer the program, the proposed amendments allow up to 10 percent of the total funding provided to pay for program administration and outreach, and an additional 5 percent of the total funding to be used to engage partners or contractors specifically to support low-income populations.

The proposed amendments would require minimum incentives as shown in the table below. Under the proposal, ARB and the districts would monitor program effectiveness, and, if necessary to increase participation, raise the incentives above these minimums.

Proposed Retire and Replace Program Minimum Incentives

Income Eligibility	Replacement Options				
	8 year old or newer ¹	May be also Eligible Low-Carbon Transportation (CVRP) type incentives ² 35+ MPG	Plug-In Hybrid ³	Zero-Emission Vehicle ³	Alternative Transportation Mobility Options
Low Income <225% Federal Poverty Level	\$4,000	\$4,500	\$4,500	\$4,500	\$4,500 Face Value
Moderate Income <300% Federal Poverty Level	Not Available	\$3,500	\$3,500	\$3,500	\$3,500 Face Value
Above Moderate Income <400% Federal Poverty Level	Not Available	Not Available	\$2,500	\$2,500	\$2,500 Face Value

1. MPG criteria – Best in class minivan eligible
2. Program concurrently under development: conventional hybrid for low-income only, financing element, may require 3-yr reporting
3. May allow lease used based on market demand

Benefits

The proposed amendments will reduce smog-forming emissions by 1.4 tons per day. Reduction of smog-forming emissions helps to achieve California's mandated air quality standards. Improved air quality provides health benefits to the public and to the environment. In addition, these benefits will target low income populations and disadvantaged communities.

DETERMINATION OF INCONSISTENCY AND INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

During the process of developing the proposed regulatory action, ARB has conducted a search of any similar regulations on this topic, and has concluded that these regulations are neither inconsistent nor incompatible with other state regulations.

COMPARABLE FEDERAL REGULATIONS

There are no federal regulations comparable to the proposed regulation. The proposed regulation defines the EFMP structure and establishes administrative and implementation requirements. Participation by individuals and businesses in the EFMP is strictly voluntary.

STATE IMPLEMENTATION PLAN REVISION

If adopted by ARB, ARB plans to submit the proposed regulatory action to the United States Environmental Protection Agency (U.S. EPA) for approval as a revision to the California State Implementation Plan (SIP) required by the federal Clean Air Act (CAA). The adopted regulatory action would be submitted as a SIP revision because it amends regulations intended to reduce emissions of air pollutants in order to attain and maintain the National Ambient Air Quality Standards promulgated by U.S. EPA pursuant to the CAA.

AVAILABILITY OF DOCUMENTS AND AGENCY CONTACT PERSONS

ARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: "Staff Report: Initial Statement of Reasons for Rulemaking — Proposed Amendments to the Enhanced Fleet Modernization Program (Car Scrap)."

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulations, may be accessed on ARB's web site listed below, or

may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, (916) 322-2990, on May 6, 2014.

Final Statement of Reasons Availability

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on ARB's website listed below.

Agency Contact Persons

Inquiries concerning the substance of the proposed regulation may be directed to Ms. Tess Sicat, Manager of the Alternative Strategies Section, (626) 459-4435, or Mr. Aaron Hilliard, Air Resources Engineer, (916) 322-4781.

Further, the agency representative and designated back-up contact persons, to whom non-substantive inquiries concerning the proposed administrative action may be directed, is Trini Balcazar, Regulations Coordinator, (916) 445-9564. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

Internet Access

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on the ARB Web site for this rulemaking at <http://www.arb.ca.gov/regact/2014/carscrap14/carscrap14.htm>.

DISCLOSURES REGARDING THE
PROPOSED REGULATION

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulations are presented below.

Fiscal Impact/Local Mandate

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action would create slight costs to ARB in the implementation of the EFMP. Except for these costs, the proposed regulatory action would not create costs or savings to any other State agency, or in federal funding to the State, costs or mandate to any local agency or school district whether or not reimbursable by the State pursuant to part 7 (commencing with section 17500), division 4, title 2 of the Government Code, or other nondiscretionary cost or savings to the State or local agencies.

Significant Statewide Adverse Economic Impact Directly Affecting Business, Including Ability to Compete

The Executive Officer has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

In accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed regulatory action — which sets implementation requirements for the EFMP — would have no impact on the creation of jobs within the State of California. Businesses that may be slightly affected by the changes to the existing program include licensed dismantlers and car dealerships as increased incentives per vehicle may slightly reduce the number of vehicles retired and also replaced. These impacts would be short-term; because the regulation sunsets in 2023, there would be no economic impacts to either dismantlers or dealers over the long term. An assessment of the economic impacts of the proposed regulatory action can be found in the ISOR.

The Executive Officer has also determined, pursuant to California Code of Regulations, title 1, section 4, that the proposed regulatory action may affect small businesses such as dismantlers, although participation in the EFMP is strictly voluntary and there are no mandated requirements for those small businesses that choose to participate in the EFMP.

Cost Impacts on Representative Private Persons or Businesses

In developing this regulatory proposal, the ARB staff evaluated the potential economic impacts on representative private persons or businesses. ARB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The EFMP is purely voluntary; businesses, individuals, and public agencies will not participate unless it is economically beneficial for them to do so.

An assessment of the economic impacts of the proposed regulatory action and its effect on California businesses can be found in the ISOR.

Results of the Economic Impact Analysis/Assessment Prepared Pursuant to Gov. Code sec. 11346.3(b).

Effect on Jobs/Businesses:

The Executive Officer has determined that the proposed regulatory action would not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expan-

sion of businesses currently doing business within the State of California. The EFMP is a voluntary incentive program that impacts, on a short-term basis, less than 2 percent of all vehicles retired each year. There are no compliance costs; the EFMP is a voluntary incentive program that does not require mandatory participation by businesses. The amendments to the program are not expected to significantly adversely impact California businesses since they will participate only if it is financially beneficial. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the Economic Impact Analysis in the ISOR.

Benefits of the Proposed Regulation:

The objective of the proposed amendments is to reduce fleet emissions by accelerating both the turnover of the existing fleet and the consequent replacement with newer, cleaner vehicles. Reducing emissions from the existing fleet is a critical part of California's SIP. Under current funding, staff expects total retirements of 18,000 vehicles each year. It is anticipated that the Pilot Retire and Replace element will provide incentives for approximately 700 participants, divided equally between the South Coast and San Joaquin Valley air basins. The majority of the program's benefits will be derived from the retirement of older vehicles and subsequent replacement with fleet average vehicles. The overall program is expected to reduce smog-forming emissions by 1.4 tons per day. Reduction of smog-forming emissions will result in health benefits to the public by reducing instances of smog-related medical problems, including asthma. Reduction in smog-related medical issues also reduces related costs, such as emergency room visits and other medical costs.

Effect on Small Business

The Executive Officer has also determined, pursuant to California Code of Regulations, title 1, section 4, that the proposed regulatory action may affect small businesses.

Housing Costs

The Executive Officer has also made the initial determination that the proposed regulatory action will not have a significant effect on housing costs.

Business Reports

The proposed regulation will not impose reporting requirements on private persons or businesses. The program is designed to provide access to cleaner, safer vehicles and reduce health impacts and related medical costs.

Alternatives

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board

would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

Environmental Analysis

ARB, as the lead agency for the proposed regulatory action, has concluded that this action is exempt from CEQA, pursuant to CEQA Guidelines §15308 ("class 8" exemption) — Actions Taken by Regulatory Agencies for Protection of the Environment; and it is also exempt pursuant to CEQA Guidelines §15061(b)(3) ("common sense" exemption) because it can be seen with certainty that there is no possibility that the proposed action may result in a significant adverse impact on the environment. A brief explanation of the basis for reaching this conclusion is included in Chapter IV of the Staff Report.

WRITTEN COMMENT PERIOD AND SUBMITTAL OF COMMENTS

Interested members of the public may also present comments relating to the proposed amendments orally or in writing at the hearing, and comments may be submitted by postal mail or electronic submittal before the hearing. The public comment period for this regulatory action will begin on May 9, 2014. To be considered by the Board, written comments not physically submitted at the meeting must be received **no later than 5:00 p.m., Pacific Daylight Time, June 23, 2014**, and addressed to the following:

Postal mail: Clerk of the Board, Air Resources
Board
1001 I Street,
Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Please note that under the California Public Records Act (Gov. Code, § 6250 et seq.), all written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

ARB requests that written and email statements on this item be filed at least 10 days prior to the hearing so that ARB staff and Board Members have additional time to consider each comment. The Board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

Additionally, the Board requests but does not require that persons who submit written comments to the Board

reference the title of the proposal in their comments to facilitate review.

AUTHORITY AND REFERENCES

This regulatory action is proposed under that authority granted in Health and Safety Code, sections 39600, 39601, and 44125. This action is proposed to implement, interpret and make specific sections Health and Safety Code sections 39600, 39601, and 44125.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Government Code, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340).

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with nonsubstantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice and that the regulatory language as modified could result from the proposed regulatory action; in such event, the full regulatory text, with the modifications clearly indicated, will be made available to the public for written comment at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, (916) 322-2990.

SPECIAL ACCOMMODATION REQUEST

Consistent with California Government Code Section 7296.2, special accommodation or language needs may be provided for any of the following:

- An interpreter to be available at the hearing;
- Documents made available in an alternate format or another language;
- A disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 as soon as possible, but no later than 10 business days before the scheduled Board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Consecuente con la sección 7296.2 del Código de Gobierno de California, una acomodación especial o

necesidades lingüísticas pueden ser suministradas para cualquiera de los siguientes:

- Un intérprete que esté disponible en la audiencia;
- Documentos disponibles en un formato alterno u otro idioma;
- Una acomodación razonable relacionados con una incapacidad.

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del Consejo al (916) 322-5594 o envíe un fax a (916) 322-3928 lo más pronto posible, pero no menos de 10 días de trabajo antes del día programado para la audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Retransmisión de Mensajes de California.

TITLE 13: DEPARTMENT OF MOTOR VEHICLES

NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (department) proposes to adopt Sections 16.00, 16.02, 16.04, 16.06, 16.08, 16.10, 16.12 and 16.14 in Chapter 1, Division 1, Article 2.0 of Title 13, California Code of Regulations, relating to driver's licenses.

PUBLIC HEARING

The department has scheduled two public hearings to provide interested parties an opportunity to provide statements, both oral and in writing, on this proposed regulatory action.

June 24, 2014

10:00 a.m. – 4:00 p.m.

Junipero Serra Building
Carmel Room
320 W. Fourth Street
Los Angeles, CA

June 26, 2014

10:00 a.m. – 4:00 p.m.

CalTrans — Region 4
Auditorium
111 Grand Ave
Oakland, CA

DEADLINE FOR WRITTEN COMMENTS

Any interested party or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identi-

fied in this notice. All written comments must be received at the department no later than 5:00 p.m., **JUNE 23, 2014**, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

AUTHORITY AND REFERENCE

The department proposes to adopt this regulation under the authority granted by Vehicle Code section 1651, in order to implement, interpret, or make specific Vehicle Code sections 1653.5, 12800, 12800.7, 12801 and 12801.9.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department of Motor Vehicles (department) proposes to adopt Sections 16.00, 16.02, 16.04, 16.06, 16.08, 16.10, 16.12, 16.14, and 16.16, in Article 2.0, Chapter 1, Division 1, of Title 13, California Code of Regulations, related to driver licenses.

Assembly Bill 60 (Chapter 524; Statutes of 2013) adopted Vehicle Code section 12801.9, requiring the department to issue an original driver license to a person that is unable to submit satisfactory proof that his or her presence in the United States is authorized under federal law, if he or she meets all other qualifications for licensure and provides satisfactory proof of his or her identity and California residency.

Additionally, AB 60 requires the department to identify those documents that it deems acceptable for purposes of proving identity and California residency and establish procedures for verifying the authenticity of those documents.

The department conducted two public workshops in an effort to discuss with the affected individuals, those documents that they believe could establish identity and/or residency.

The first public workshop was held on January 28 in Sacramento, California, where the conversation focused largely on documents acceptable to providing proof of identity or residency. A second workshop was held on February 13, in Bell, California and was attended by many interested parties and much of the conversation was related to documentation.

After meeting at length with affected parties and advocacy groups, the department determined that the best way to implement the provisions of AB 60, is to provide the standards that the department determines are sufficient to provide identity and residency. Section 15.00 of Title 13, establishes documentation that the department has determined sufficient to establish an applicant's le-

gal presence in the United States for purposes of determining eligibility for driver license issuance. When an applicant is unable to provide the documentation provided in Section 15.00, he or she will be required to meet the documentation requirements in Section 16.04(a) of this proposed action which, as specified, establishes acceptable foreign documents.

When an applicant is unable to meet the requirements of Section 15.00 and Section 16.04(a), he or she will be required to meet the documentation requirements established in Section 16.04(b), which allows the applicant to present two of the following documents:

- A document in Section 16.06(a) that cannot be verified with the issuing agency,
- A valid foreign passport, or
- A U.S. government-issued identification card with a current photograph.

An applicant who is unable to meet the requirements of Section 15.00 and Section 16.04(a) and (b), he or she will be required to meet the documentation requirements established in Section 16.04(c), which allows the applicant to present two of the following documents:

- An expired foreign passport that meets International Civil Aviation Organization (ICAO) standards, with an issue date of 2005 or later,
- A foreign birth certificate that is either issued by a national civil registry within six months of the date of driver license application on the driver license application form and that contains an embedded photograph of the applicant, or is accompanied by an Apostille certification and translated by the consulate of the applicant's country of origin, or
- A U.S. government-issued identification card with a current photograph.

If an applicant is unable to comply with all the requirements above, he or she can submit one of the several documents provided in Section 16.06, which will be subject to a secondary department review conducted by the department's Investigations Division.

In addition to the identification of documents that provide identity and residency, Vehicle Code section 12801.9 requires the department to adopt these requirements through the emergency rulemaking process. However, the department has determined that, due to the lack of facilities and staffing necessary to accommodate the overwhelming volume of new applicants, the only option is for the department to promulgate regulations through the regular rulemaking process. As the regulatory process progresses, the department will have time to secure field office space and train staff on the new requirements required with the provisions of AB 60 and these regulations.

Policy Statement Overview
(Government Code section 11346.5(a)(3)(C))

This proposed regulatory action will not likely have nonmonetary benefits such as the protection of public health and safety, worker safety, or the environment, as the regulations only specify identity and residency requirements for driver's licenses. The proposed regulatory action may benefit the prevention of discrimination, the promotion of fairness or social equity, and the increase in openness and transparency in business and government, as the regulatory action implements the requirements of Vehicle Code section 12801.9.

This proposed regulatory action is unlikely to have nonmonetary benefits such as the protection of public health and safety, worker safety, or the environment, the prevention of discrimination, the promotion of fairness or social equity, and the increase in openness and transparency in business and government, among other things.

PROBLEMS THIS DEPARTMENT INTENDS TO ADDRESS AND BENEFITS ANTICIPATED FROM THE REGULATORY ACTION

To make specific the requirements that must be satisfied for issuance of an original State of California driver license to people who are unable to provide satisfactory proof that their presence in the United States is authorized under federal law. These regulations will allow all successfully tested driver license, who have met the department's requirements, to receive an original California driver license.

COMPARABLE FEDERAL AND STATE REGULATIONS

The department has determined that this proposed regulation is not incompatible with existing regulations and there are no related federal regulations.

The department conducted a review of other agencies and found that the states of Colorado, Connecticut, Illinois, Maryland, New Mexico, Nevada, Oregon, Vermont, Utah, Washington, and the District of Columbia currently have laws/regulations governing the issuance of a card granting driving privileges to an applicant who is unable to submit satisfactory proof that the applicant's presence in the United States is authorized under federal law if he or she meets all other qualifications for licensure.

CONSISTENCY AND COMPATIBILITY WITH OTHER STATE REGULATIONS

The department has conducted an evaluation for any regulations on this area and has concluded that these are the only regulations dealing with driver's license issuance, as specified in Vehicle Code section 12801.9. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

DOCUMENTS INCORPORATED BY REFERENCE

The following document is incorporated by reference:

- Secondary Review Referral Notice, form DL 209A (New 2014)

This document will not be published in the California Code of Regulations because it would be impractical and cumbersome to do so; however, this document is readily available to interested parties by contacting the department representative identified below.

ECONOMIC AND FISCAL IMPACT DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- Cost or Savings to Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Cost Impact on Representative Private Persons or Businesses: The department is not aware of any cost impacts that a representative private person or business other than the current cost of a driver's license.
- Effects on Housing Costs: None.
- Local Agency/School District Mandates: The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- Small Business Impact: This proposed action may affect small business.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The department states the following results of its Economic Impact Assessment per Gov. Code sec. 11346.3(b):

The department anticipates that this action may, 1) create but not eliminate jobs, 2) create businesses but not eliminate existing businesses, and 3) expand businesses currently doing business within the state of California. Any business that relies on employees to drive vehicles could benefit by their employees being issued driver's licenses.

The benefits of the regulation to the health and welfare of California residents and worker safety may exist due to the reduced instances of vehicle impoundment and the resulting financial impact currently experienced by some unlicensed drivers.

The proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

The department conducted two pre-notice workshops, pursuant to Government Code section 11346.45. On January 28, 2014, the department conducted a workshop in Sacramento, California. On February 13, 2014, the department conducted a workshop in Bell, California. Both workshops were attended by representatives from immigrant advocacy groups, the insurance industry, public employee unions, as well as future applicants.

The department published notice of each workshop on its internet website and in the California Regulatory Notice Register (Register 2013, No. 52-Z and Register 2014, No. 6-Z, respectively). Interested parties were notified of the workshops by first class mail, email, and press releases generated by the department.

ALTERNATIVES CONSIDERED

The department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Brian G. Soublet, Assistant Chief Counsel
Department of Motor Vehicles
Legal Affairs Division
P.O. Box 932382, MS C-244
Sacramento, CA 94232-3820

Any inquiries or comments concerning the proposed rulemaking action requiring more immediate response may use:

Telephone: (916) 657-6469
Facsimile: (916) 657-1204
E-Mail: LADRegulations@dmv.ca.gov

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

Randi Calkins, Regulations Analyst
Telephone: (916) 657-6469

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an Initial Statement of Reasons for the proposed regulatory action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the Express Terms of the proposed regulatory action using underline or italics to indicate additions to, and strikeout to indicate deletions from the California Code of Regulations.

The contact person identified in this notice shall also make available to the public, upon request, the Final Statement of Reasons and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (the Notice of Proposed Regulatory Action, the Initial Statement of Reasons, the revised handbook and Express Terms) may be accessed at www.dmv.ca.gov/about/lad/regactions.htm.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period and the hearing, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the fully modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Request for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

TITLE 14. BOARD OF FORESTRY AND FIRE PROTECTION

“SLASH TREATMENT AMENDMENTS, 2014”

Title 14 of the California Code of Regulations (14 CCR), Division 1.5, Chapter 4, Subchapters 4, 5, & 6, Article 7

AMEND

§ 957 Hazard Reduction § 917.2, 937.2, 957.2 Treatment of Slash to Reduce Fire Hazard

The California State Board of Forestry and Fire Protection (Board) is promulgating a regulation to amend existing Forest Practice Rules for the treatment of slash created as a result of commercial timber operations. The primary purpose of the proposed amendments are to provide additional time to landowners to eliminate slash piles for the purpose of hazard reduction through the use of burning without having to employ other costly treatment measures to comply with current regulatory standards. In addition, a minor editorial revision has been proposed for purposes of consistency within existing regulation.

PUBLIC HEARING

The Board will hold a public hearing on Wednesday, August 27th, 2014, at its regularly scheduled meeting commencing at 8:00 a.m., at the Resources Building Auditorium, 1st Floor, 1416 Ninth Street, Sacramento, California. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the *Informative Digest*. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. Additionally, pursuant to Government Code § 11125.1, any information presented to the Board during the open hearing in connection with a matter subject to discussion or consideration becomes part of the public record. Such information shall be retained by the Board and shall be made available upon request.

WRITTEN COMMENT PERIOD

Any person, or authorized representative, may submit written comments relevant to the proposed regula-

tory action to the Board. The written comment period ends at 5:00 p.m., on Monday, June 23rd, 2014.

The Board will consider only written comments received at the Board office by that time and those written comments received in connection with oral testimony at the public hearing. The Board requests, but does not require, that persons who submit written comments to the Board reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments shall be submitted to the following address:

Board of Forestry and Fire Protection
Attn: Matt Dias
Assistant Executive Officer
P.O. Box 944246
Sacramento, CA 94244-2460

Written comments can also be hand delivered to the contact person listed in this notice at the following address:

Board of Forestry and Fire Protection
Room 1506-14
1416 9th Street
Sacramento, CA

Written comments may also be sent to the Board via facsimile at the following phone number:

(916) 653-0989

Written comments may also be delivered via e-mail at the following address:

board.public.comments@fire.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Public Resources Code Sections 4526 and 4551. Reference: Public Resources Code Sections 4511, 4525.5, 4525.7, 4526.5, 4527, 4528, 4551.5, 4553, and 4581.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Pursuant to the Z'berg-Nejedly Forest Practice Act of 1973, Public Resources Code Section 4511, *et seq.* the State Board of Forestry and Fire Protection (Board) is authorized to construct a system of forest practice regulations applicable to timber management on state and private timberlands, including but not limited to timber operations conducted under an Emergency Notice.

Pursuant to this statutory authority, the Board previously adopted regulations contained in 14 CCR § 917 that addressed hazard reduction as it relates to snags and

logging slash that are created as a result of commercial timber operations. A component of these requirements provide for a prescriptive standard in which piles created in a given year must be treated by April 1st of the following year.

The treatment of slash piles is a time and weather dependent practice. The unfortunate economics of biomass within the State leave landowners little choice in how to treat slash piles in a cost effective manner. Chipping and/or lopping are not often utilized, therefore burning of piles is generally the practice most often prescribed to treat slash piles. The liability associated with burning of slash material is quite high, particularly in time of drought conditions, while access becomes a significant issue during times of elevated precipitation.

The California Department of Forestry and Fire Protection (*CAL FIRE*), is also experiencing some level of difficulty with the current structure of regulation. It is often the case that *CAL FIRE* staff understands the issues that face landowners in the treatment or disposal of slash piles, but current regulatory standards require timely treatment. If slash pile treatment is conducted within the mandated timeline, it becomes the responsibility of *CAL FIRE* to issue violations to landowners for non-compliance with existing Forest Practice Rules. This becomes a time consuming exercise that could be avoided if the regulatory standards were revised.

This rulemaking proposal would result in providing reasonable timelines for landowners to treat slash piles that are generated from commercial timber operations, while still providing for the reduction of hazard that is associated with slash piles. Flexibility in timelines associated with treatment of slash piles would also alleviate the issues of non-compliance actions of landowners during shifts in weather patterns. This regulatory proposal would ease the difficulty of enforcement that *CAL FIRE* is currently challenged by allowing landowners additional time to react to weather cycles in the planning of disposal of slash piles. The additional time provided will certainly increase the likelihood of treatment of slash piles, and therefore decrease the potential for enforcement action.

SPECIFIC BENEFITS ANTICIPATED BY THE PROPOSED ADOPTION, AMENDMENT, OR REPEAL OF THE REGULATION

The rulemaking proposal simply redefines the timelines associated with slash piles that are created during commercial timber operations. For slash piles that are generated as a result of commercial timber operations in a given year prior to September 1st, it will become the responsibility of the landowner, or the landowner's representative, to treat such piles prior to May 1st of the fol-

lowing year. For slash piles that are generated on or after September 1st, it will become the responsibility of the landowner, or the landowner's representative, to treat such piles prior to May 1st of the second year following their creation. This regulatory proposal would extend the available period of treatment from several months to greater than an entire year depending upon the timing of creation of the slash piles.

Additionally, the regulatory proposal does include the option for RPFs to develop an alternative plan in lieu of the prescriptive timeline standards. This option was included because the Board does recognize that the prescriptive standards may not work effectively for all project types and locations. It becomes incumbent upon the RPF to explain and justify why the prescriptive timelines are not compatible with proposed projects and provides deference to the Director to approve such proposals.

IS THE PROPOSED REGULATION INCONSISTENT OR INCOMPATIBLE WITH EXISTING STATE REGULATIONS

The Board and *CAL FIRE* have conducted a search of any similar regulations on this topic with existing state regulations. The proposed rulemaking is intended to modify existing Forest Practice Rule requirements previously adopted by the Board and implemented by the Department. Adoption and implementation of the State's Forest Practice Rules is solely the responsibility of the Board and Department, respectively. The two agencies therefore conclude the proposed rulemaking is entirely consistent and compatible with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION AND RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The results of the economic impact assessment prepared pursuant to GC § 11346.3(b)(1) A–D for this proposed regulation indicate that it will not result in an adverse economic impact upon the regulated public or regulatory agencies. Adoption of these regulations will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California; or (4) benefits of the regulation to the health and welfare of California resident, worker safety, and the state's government.

A benefit will likely be realized by both affected landowners and *CAL FIRE* by providing additional flexibility to landowners for the treatment of slash piles that are created as a result of commercial timber operation and

easing the issues that the Department has experienced with enforcement of seemingly over restrictive regulatory standards for hazard reduction.

In addition, the proposed regulation will likely create a positive benefit to the environment and protection of public health and safety. If this proposed regulation is successful in abating the number of conflagrations within the state that may have ignited as a result of slash treatment, then the benefits to the health and welfare of fire fighters, rural residents living with the state's forested environments could be measurably large. The environmental settings such as terrestrial and aquatic will be preserved and spared as a result of this regulation measurably, and particularly when contrasted against the ever growing size of wildfires within the state.

The Board has made an initial determination that there will be no significant statewide adverse economic impacts directly affecting business, including the ability of California businesses to compete with businesses in other states.

Cost impacts on representative private persons or businesses:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on small business:

The Board has determined small businesses are unlikely to notice any effect from the proposed rulemaking. The nominal timeline associated with the pre-consultation process outlined in the regulatory proposal would not result in a significant effect on small business productivity or result in capital expenditures.

Mandate on local agencies and school districts:

The proposed regulations do not impose a mandate on local agencies and school districts.

Costs or savings to any State agency:

Though *CAL FIRE* may experience some cost savings, any savings are not expected to be significant. Savings to *CAL FIRE* would be abstract and would be represented by deferral or shifting of existing workload of Department staff.

Cost to any local agency or school district which must be reimbursed in accordance with the applicable Government Code (GC) sections commencing with GC § 17500:

The proposed regulations do not impose a reimbursable cost to any local agency or school district.

Other non-discretionary cost or savings imposed upon local agencies:

The proposed regulations will not result in the imposition of non-discretionary costs or savings to local agencies.

Cost or savings in federal funding to the State:

The proposed regulations will not result in costs or savings in federal funding to the State.

Significant effect on housing costs:

The proposed regulations will not significantly affect housing costs.

Conflicts with or duplication of Federal regulations:

The proposed regulations neither conflict with, nor duplicate Federal regulations. There are no comparable Federal regulations for timber harvesting on State or private lands.

BUSINESS REPORTING REQUIREMENT

The regulation does not impose a business reporting requirement.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code § 11346.5(a)(13), the Board must determine that no reasonable alternative it considers or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

CONTACT PERSON

Requests for copies of the proposed text of the regulations, the *Initial Statement of Reasons*, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

Board of Forestry and Fire Protection
Attn: Matt Dias
Assistant Executive Officer
P.O. Box 944246
Sacramento, CA 94244-2460
Telephone: (916) 653-8031

The designated backup person in the event Mr. Dias is not available is Mr. George Gentry, Executive Officer

of the California Board of Forestry and Fire Protection. Mr. Gentry may be contacted at the above address or by phone at (916) 653-8007.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Board has prepared an *Initial Statement of Reasons* providing an explanation of the purpose, background, and justification for the proposed regulations. The statement is available from the contact person on request. When the *Final Statement of Reasons* has been prepared, the statement will be available from the contact person on request.

A copy of the express terms of the proposed action using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKETHROUGH~~ to indicate a deletion is also available from the contact person named in this notice.

The Board will have the entire rulemaking file, including all information considered as a basis for this proposed regulation, available for public inspection and copying throughout the rulemaking process at its office at the above address.

All of the above referenced information is also available on the Board web site at:

http://www.fire.ca.gov/BOF/board/board_proposed_rule_packages.html

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice.

If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text — with the changes clearly indicated — available to the public for at least 15 days before the Board adopts the regulations as revised. Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who:

- a) testified at the hearings,
- b) submitted comments during the public comment period, including written and oral comments received at the public hearing, or
- c) requested notification of the availability of such changes from the Board of Forestry and Fire Protection.

Requests for copies of the modified text of the regulations may be directed to the contact person listed in this notice. The Board will accept written comments on the

modified regulations for 15 days after the date on which they are made available.

TITLE 14. FISH AND GAME COMMISSION

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 203 and 355 of the Fish and Game Code and to implement, interpret, or make specific sections 200, 202, 203.1, 215, 220, 355, and 356 of said Code, proposes to amend Section 300, Title 14, California Code of Regulations, relating to Upland Game Birds.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current regulations in Title 14, California Code of Regulations (CCR) provide general hunting seasons for taking resident and migratory upland game birds under Section 300. The Department is recommending six regulation changes under this section as follows:

1. Adjust annual number of sage grouse hunting permits by zone.

Current regulations under subsection 300(a)(1)(D)4. provide a number of permits for the general sage grouse season in each of four zones. At this time the Department has proposed a range of permits specific for each of the four hunt zones. The final permit numbers will be proposed in June after spring lek counts are completed and annual population data are analyzed. Permit ranges for sage grouse hunting in 2014 are recommended as follows:

East Lassen: 0-50 (two-bird) permits
Central Lassen: 0-50 (two-bird) permits
North Mono: 0-100 (one-bird) permits
South Mono: 0-100 (one-bird) permits

2. Administrative changes to subsection 300(a)(1)(D)5. to reflect the Department's change to application procedures for sage grouse permits under the new Automated License Data System (ALDS).
3. Establish a longer general archery season for pheasants.

Current regulations provide for a 23-day early pheasant archery season under subsection 300(a)(2)(A)1.a. and a 44-day general pheasant archery season under subsection 300(a)(1)(A)1.b. The proposed regulation re-establishes a later pheasant archery-only season, and extends the season for 28 days, to allow for hunting opportunity both before and after the general

pheasant season. However, archery equipment cannot be used on Type A and B wildlife areas during the pheasant and waterfowl seasons per subsection 551(b)(6).

4. Open Eurasian collared-dove season year-round statewide.

In 2013, Eurasian collared-dove season was open all year in Imperial County under subsection 300(b)(1)(C). The changes proposed by the Department for the 2014–2015 season, and thereafter, would extend the all year open season for Eurasian collared-dove to apply statewide.

5. Increase the maximum daily bag limit to 15 for mourning and white-winged doves in aggregate; of which no more than 10 may be white-winged doves.

The recommendations from the Pacific Flyway Council at the March 11, 2014, meeting was for the “Standard” regulatory alternative as prescribed by the mourning dove harvest strategy for doves in the Western Management Unit. In California, the daily bag limit for the Standard alternative is 15 mourning and white-winged doves in aggregate; of which no more than 10 may be white-winged doves.

6. Minor editorial changes are also provided for consistency and clarity. The Department also proposes to make the following editorial changes:

Correct two omissions of necessary text. Adding text to subsection 300(a)(1)(C) specifying: Species, 2. Seasons, 3. Daily Bag and Possession Limits. Also a new subparagraph is added to 300(a)(2)(C) specifying: 3. Area: Statewide.

The Eurasian collared-dove, spotted dove, and ringed turtle-dove are resident game bird species (per Fish and Game Code §3500 and 3683). For clarity and consistency, these species will be moved from under subsection 300(b), Migratory Upland Game Birds, to subsection 300(a), Resident Upland Game Birds.

Benefits of the Proposed Regulations

Adoption of sustainable upland game seasons, bag and possession limits provides for the maintenance of sufficient populations of upland game to ensure their continued existence.

The Fish and Game Commission, pursuant to Fish and Game Code Sections 200, 202, and 203, has the sole authority to regulate upland game bird hunting in California. Commission staff has searched the California Code of Regulations and has found the proposed changes pertaining to hunting of resident game birds are consistent with Sections 550–553, 630, 703 and 4501 of Title 14. Therefore the Commission has determined that

the proposed amendments are neither inconsistent nor incompatible with existing State regulations.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the River Lodge Conference Center 1800 Riverwalk Drive, in Fortuna, California, on Wednesday, June 4, 2014, at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Hilton San Diego Mission Valley, at 901 Camino Del Rio South, San Diego, California, on Wednesday, August 6, 2014, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before July 24, 2014, at the address given below, or by fax at (916) 653–5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on August 1, 2014. All comments must be received no later than August 6, 2014, at the hearing in San Diego, California. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout–underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244–2090, phone (916) 653–4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Caren Woodson at the preceding address or phone number. **Scott Gardner, Department of Fish and Wildlife, phone 916–801–6257, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full com-

pliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action/Results of the Economic Impact Analysis

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposal clarifies and strengthens the enforceability of portions of the current regulation.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

The Commission does not anticipate any impacts the proposed action would have on the creation or elimination of jobs or businesses in California or on the expansion of businesses in California; and, does not anticipate benefits to worker safety, because the regulations propose only minor changes to current seasons and bag limits.

The Commission anticipates benefits to the health and welfare of California residents. The proposed regulations are intended to provide continued recreational opportunity to the public. Hunting provides opportunities for multi-generational family activities and promotes respect for California's environment by the future stewards of the State's resources.

The Commission anticipates benefits to the environment by the sustainable management of California's upland game resources. The fees that hunters pay for licenses and stamps are used for conservation.

- (c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/ Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7, (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

**TITLE 14. FISH AND GAME
COMMISSION**

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 202 and 355; reference sections 202, 355, and 356, Fish and Game Code; proposes to Amend Sections 360, 361, 362, 363 and 364, Title 14, California Code of Regulations (CCR), relating to Waterfowl Regulations for the 2014-2015 season.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

Current regulations in Section 502, Title 14, California Code of Regulations (CCR), provide definitions, hunting zone descriptions, season opening and closing dates, and establish daily bag and possession limits for waterfowl. Changes are proposed for several subsections of Section 502 which are generally described below. Regarding duck season lengths and bag limits, item 3 provides notice that other framework regulations may change in 2014 when current biological information becomes available. Concerning geese, items 4, 5, and 6 require Flyway Council and Service approval to establish the final bag limits pursuant to the process described below.

The Service will consider recommendations from the Flyway Council at their meeting on July 31 and August 1, 2014. At this time, the California Waterfowl Breeding Population Survey has not been conducted and the Service has not established federal regulation “frameworks” which will occur in August after the analysis of current waterfowl population survey, other data, input from the Flyway Councils and the public.

The Department’s proposals are as follows:

1. Modify the name of the Humboldt Bay South Spit Special Management Area to Humboldt Bay South Spit (West Side).
2. Increase the possession limit for coots and moorhens to triple the daily bag limit statewide. This change will make the possession limit for coots and moorhens consistent with those for other waterfowl throughout the state.
3. Provide a range of waterfowl hunting season lengths (which may be split into two segments) between 38 and 107 days (including 2 youth waterfowl hunt days) for all hunting methods. A range of daily bag limits is also given for ducks in all zones. Federal regulations require that California’s hunting regulations conform to those of Arizona in the Colorado River Zone and with Oregon in the North Coast Special Management Area. See table below for season and bag limit ranges.
4. Increase the total daily bag limit for geese in the Northeastern California, Southern San Joaquin Valley, and the Balance of State zones from 10 to 25 geese per day; the Southern California Zone total daily bag limit for geese will increase from 10 to 18 geese per day.

5. Increase the total daily bag limit for white geese in the Northeastern California, Southern San Joaquin Valley, Southern California, and Balance of State zones from 10 to 15 white geese per day; the bag limit for white geese will increase from 10 to 15 per day in the Imperial County Special Management Area.
6. Increase the total daily bag limit for dark geese from 6 to 10 dark geese per day in the Northeastern California, Southern San Joaquin Valley, and Balance of State zones; increase the bag limit for dark geese from 3 to 4 per day in the Colorado River Zone; and increase the daily bag limit for Canada geese from 6 to 10 per day in the North Coast Special Management Area.
7. Since Special Management Areas are not a subset of Balance of State Zones (as might be implied by the present numbering of the regulation) it is recommended that the numbering of these provisions in 502(d)(5)(D) be revised. A new subsection “502(d)(6) Special Management Areas” is proposed to replace 502(d)(5)(D), with subsequent renumbering of the following subparagraphs. Other references to this subsection are also changed.

Also, minor editorial changes are proposed to clarify and simplify the regulations and to comply with existing federal frameworks.

Benefits of the regulations

The benefits of the proposed regulations are concurrence with Federal law, sustainable management of the waterfowl resources, positive impacts to jobs and/or businesses that provide services to waterfowl hunters will be realized with the continuation of adopting waterfowl hunting seasons in 2014–15.

Non-monetary benefits to the public

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business and government.

Evaluation of incompatibility with existing regulations

The Commission has reviewed the Title 14, CCR, and conducted a search of any similar regulations on this topic and has concluded that the proposed amendments to Section 502 are neither inconsistent nor incompatible with existing state regulations. No other State agency has the authority to promulgate waterfowl hunting regulations.

Summary of Proposed Waterfowl Hunting Regulations			
AREA	SPECIES	SEASONS	DAILY BAG & POSSESSION LIMITS
Statewide	Coots & Moorhens	Concurrent w/duck season	25/day. 25-75 in possession
Northeastern Zone <i>Season may be split for Ducks, Pintail, Canvasback, Scaup, and Dark and White Geese</i>	Ducks	Between 38 & 105 days	4-7/day, which may include: 3-7 mallards no more than 1-2 females, 0-3 pintail, 0-3 canvasback, 0-3 redheads, 0-7 scaup. Possession limit triple the daily bag.
	Pintail Canvasback Scaup	Between 38 & 105 days	
	Geese	Regular Season Dark geese: 100 days White geese: 73 days Late Season White geese: 32 days Whitefronts: 5 days	10-25/ day, which may include: 10-15 white geese, 6-10 dark geese no more than 2 Large Canada geese. Possession limit triple the daily bag.
Southern San Joaquin Valley Zone <i>Season may be split for Ducks, Pintail, Canvasback and Scaup.</i>	Ducks	Between 38 & 105 days	4-7/day, which may include: 3-7 mallards no more than 1-2 females, 0-3 pintail, 0-3 canvasback, 0-3 redheads, 0-7 scaup. Possession limit triple the daily bag.
	Pintail Canvasback Scaup	Between 0 & 105 days	
	Geese	100 days	10-25/ day, which may include: 10-15 white geese, 6-10 dark geese. Possession limit triple the daily bag.
Southern California Zone <i>Season may be split for Ducks, Pintail, Canvasback and Scaup.</i>	Ducks	Between 38 & 100 days	4-7/day, which may include: 3-7 mallards no more than 1-2 hen mallards, 0-3 pintail, 0-3 canvasback, 0-3 redheads, 0-7 scaup. Possession limit triple the daily bag.
	Pintail Canvasback Scaup	Between 0 & 100 days	
	Geese	100 days	10-18/ day, which may include: 10-15 white geese, 3 dark geese. Possession limit triple the daily bag.
Colorado River Zone <i>Season may be split for Ducks, Pintail, Canvasback and Scaup.</i>	Ducks	Between 38 & 101 days	4-7/day, which may include: 3-7 mallards no more than 1-2 females or Mexican-like ducks, 0-3 pintail, 0-3 canvasback, 0-3 redheads, 0-7 scaup. Possession limit triple the daily bag.
	Pintail Canvasback Scaup	Between 0 & 101 days	
	Geese	101 days	10/day, up to 10 white geese, up to 3-4 dark geese. Possession limit triple the daily bag.
Balance of State Zone <i>Season may be split for Ducks, Pintail, Canvasback, Scaup and Dark and White Geese.</i>	Ducks	Between 38 & 100 days	4-7/day, which may include: 3-7 mallards no more than 1-2 females, 0-3 pintail, 0-3 canvasback, 0-3 redheads, 0-7 scaup. Possession limit triple the daily bag.
	Pintail Canvasback Scaup	Between 0 & 100 days	
	Geese	Early Season: 5 days (CAGO only) Regular Season: 100 days Late Season: 5 days (Whitefronts and white geese)	10-25/ day, which may include: 10-15 white geese, 6-10 dark geese. Possession limit triple the daily bag.

Summary of Proposed Waterfowl Hunting Regulations, Continued			
SPECIAL MANAGEMENT AREAS	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
North Coast <i>Season may be split</i>	All Canada Geese	105 days except for Large Canada geese which cannot exceed 100 days or extend beyond the last Sunday in January.	6-10/day, only 1 may be a Large Canada goose. Possession limit triple the daily bag. Large Canada geese are closed during the Late Season.
Humboldt Bay South Spit (West Side)	All species	Closed during brant season	
Sacramento Valley	White-fronted geese	Open concurrently with general goose season through Dec 21	3/day. Possession limit triple the daily bag.
Morro Bay	All species	Open in designated areas only	Waterfowl season opens concurrently with brant season.
Martis Creek Lake	All species	Closed until Nov 16	
Northern Brant	Black Brant	From Nov 7 for 30 days	2/day. Possession limit triple the daily bag.
Balance of State Brant	Black Brant	From the second Saturday in November for 30 days	2/day. Possession limit triple the daily bag.
Imperial County <i>Season may be split</i>	White Geese	102 days	10-15/day. Possession limit triple the daily bag.
YOUTH WATERFOWL HUNTING DAYS	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
Northeastern Zone	Same as regular season	The Saturday fourteen days before the opening of waterfowl season extending for 2 days.	Same as regular season
Southern San Joaquin Valley Zone		The Saturday following the closing of waterfowl season extending for 2 days.	
Southern California Zone		The Saturday following the closing of waterfowl season extending for 2 days.	
Colorado River Zone		The Saturday following the closing for waterfowl season extending for 2 days.	
Balance of State Zone		The Saturday following the closing of waterfowl season extending for 2 days.	
FALCONRY OF DUCKS	SPECIES	SEASON	DAILY BAG & POSSESSION LIMITS
Northeastern Zone	Same as regular season	Between 38 and 105 days	3/ day, possession limit 9
Balance of State Zone		Between 38 and 107 days	
Southern San Joaquin Valley Zone		Between 38 and 107 days	
Southern California Zone		Between 38 and 107 days	
Colorado River Zone	Ducks only	Between 38 and 107 days	

Benefits of the regulations

The benefits of the proposed regulations are concurrence with Federal law and sustainable management of the waterfowl resources. Positive impacts to jobs and/or businesses that provide services to waterfowl hunters will be realized with the continuation of adopting waterfowl hunting seasons in 2014–15.

Non-monetary benefits to the public

The Commission does not anticipate non-monetary benefits to the protection of public health and safety, worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business and government.

Evaluation of incompatibility with existing regulations

The Commission has reviewed the Title 14, CCR, and conducted a search of any similar regulations on this topic and has concluded that the proposed amendments to Section 502 are neither inconsistent nor incompatible with existing state regulations. No other State agency has the authority to promulgate waterfowl hunting regulations.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the River Lodge Conference Center, 1800 Riverwalk Drive, Fortuna, California, on Wednesday, June 4, 2014, at 8:00 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be at the Hilton San Diego Mission Valley, 901 Camino Del Rio South, San Diego, California, on Wednesday, August 6, 2014, at 8:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before July 24, 2014 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on July 31, 2014. All comments must be received no later than August 6, 2014 at the hearing in San Diego. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Jon Snellstrom at the preceding address or phone number. **Melanie Weaver, Wildlife Branch, phone (916) 445-3717, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a

copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action/Results of the Economic Impact Analysis

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and following initial determinations relative to the required statutory categories have been made.

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The proposed regulations are intended to provide additional recreational opportunity to the public. The response is expected to be minor in nature.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California. The proposed waterfowl regulations will set the 2014-15 waterfowl hunting season dates and bag limits within the federal frameworks. Positive impacts to jobs and/or businesses that provide services to waterfowl hunters will be realized with the proposed regulations for the waterfowl hunting season in 2014-15. This is based on a 2011 US Fish and Wildlife national survey of fishing, hunting, and wildlife associated recreation for California. The report estimated that migratory bird hunters contributed about \$169,115,000 to businesses in California during the 2011 migratory bird hunting season. The impacted businesses are generally small businesses employing few individuals and, like all small businesses, are subject to failure for a

variety of causes. Additionally, the long-term intent of the proposed regulations is to sustainably manage waterfowl populations, and consequently, the long-term viability of these same small businesses.

The Commission anticipates benefits to the health and welfare of California residents. Hunting provides opportunities for multi-generational family activities and promotes respect for California's environment by the future stewards of the State's resources. The Commission anticipates benefits to the State's environment by the sustainable management of California's waterfowl resources. The Commission does not anticipate any impacts to worker safety because the proposed amendments will not affect working conditions.

(c) **Cost Impacts on a Representative Private Person or Business:**

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) **Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:**
None.

(e) **Nondiscretionary Costs/Savings to Local Agencies:**
None.

(f) **Programs Mandated on Local Agencies or School Districts:**
None.

(g) **Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:**

None.

(h) **Effect on Housing Costs:**

None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private

persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

**TITLE 16. CALIFORNIA
ARCHITECTS BOARD**

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the office of the California Architects Board, 2420 Del Paso Road, Sequoia Room, Sacramento, California, at 2:00 p.m., on June 23, 2014. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on June 23, 2014 or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 5526 of the Business and Professions Code, and to implement, interpret or make specific Section 5550 of said Code, the Board is considering changes to Division 2 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST

A. Informative Digest

Section 5526 of the Business and Professions Code authorizes the Board to adopt, amend, modify, or repeal rules and regulations as are reasonably necessary to carry into effect the provisions of the Architects Practice Act. Section 5550 authorizes the Board to establish qualifications required to become eligible for examination.

Existing regulations specify that in order to become eligible for the Architect Registration Examination (ARE), a candidate must enroll in the Intern Development Program (IDP) and establish a National Council of Architectural Registration Boards (NCARB) Record.

This proposal would require that candidates possess an active NCARB Record to become eligible to take the ARE.

B. Policy Statement Overview/Anticipated Benefits of Proposal

Amend CCR Section 116 — Eligibility for Examination

This proposal would align the requirements for examination eligibility specified in the regulation with the national standard and ensure candidates are able to schedule and take the ARE, as well as view and receive results and important updates regarding their examination validity.

The proposal furthers the goals of the Board, and the anticipated benefit includes protecting the health, safety and welfare of the practice of architecture through the application of standards for licensure of architects.

C. Consistency and Compatibility with Existing State Regulations

During the process of developing these regulations and amendments, the Board has conducted a search of similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None.

Business Impact:

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The following studies/ relevant data were relied upon in making the above determination: N/A.

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed action would not affect small businesses as it only affects architect applicants.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Benefits of Regulation:

The Board has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents, worker safety, and the state's environment.

This regulatory proposal will align the requirements to become eligible for and take the ARE to the national standard thereby benefitting the health, safety, and welfare of California residents.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be ob-

tained at the hearing or prior to the hearing upon request from the California Architects Board at 2420 Del Paso Road, Suite 105, Sacramento, California 95834 or by telephoning the contact person listed below.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below (or by accessing the website listed below).

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Timothy Rodda
Address: 2420 Del Paso Road, Suite 105
Sacramento, CA 95834
Telephone No.: (916) 575-7217
Fax No.: (916) 575-7283
E-Mail
Address: timothy.rodde@dca.ca.gov

The backup contact person is:

Name: Marccus Reinhardt
Address: 2420 Del Paso Road, Suite 105
Sacramento, CA 95834
Telephone No.: (916) 575-7212
Fax No.: (916) 575-7283
E-Mail
Address: marccus.reinhardt@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.cab.ca.gov.

TITLE 17. DEPARTMENT OF PUBLIC HEALTH

Radioactive Materials Regulation Amendments, DPH-11-024

PUBLIC PROCEEDINGS

The California Department of Public Health (Department) is conducting a written public proceeding during

which time any interested person or such person's duly authorized representative may present statements, arguments or contentions (all of which are hereinafter referred to as comments) relevant to the action described in the Informative Digest/Policy Statement Overview section of this notice.

PUBLIC HEARING

The Department has not scheduled a public hearing on this proposed action. However, the Department will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her duly authorized representative, no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit to the Department written comments relevant to the proposed regulatory action. The written comment period closes at 5:00 p.m. on June 23, 2014. The Department will consider only comments received at the Department's Office of Regulations at that time.

Written comments may be submitted as follows:

1. By email to regulations@cdph.ca.gov. Please place the regulation package identifier "DPH-11-024" in the subject line;
2. By fax transmission to (916) 440-5747;
3. By postal service to Office of Regulations, California Department of Public Health, MS 0507, P.O. Box 997377, Sacramento, CA 95899-7377;
4. Hand-delivered to Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814.

All comments, including email or fax transmissions, should include the author's name and U.S. Postal Service mailing address.

AUTHORITY AND REFERENCE

The Department is proposing to adopt, amend, or repeal, as applicable, the proposed regulation under the authority provided in sections 100110, 100275, 114970, 114975, 115000, 115091, and 131200 of the Health and Safety Code. This proposal implements, interprets and makes specific sections 114960, 114965, 114970, 114985, 114990, 115000, 115060, 115091, 115105, 115110, 115120, 115165, 115230, 115235, 131050, 131051, 131052, and 131055 of the Health and Safety Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This proposal amends, adopts, or repeals regulations pertaining to radioactive material (RAM) as encompassed in the following 12 topics to ensure the regulations are compatible with those of the U.S. Nuclear Regulatory Commission (NRC). Nonsubstantial changes are also proposed in existing regulations.

Topic	Sections Affected
1. Exempt persons, products, concentrations and quantities.	Amend: 30180. Adopt: 30180.1, 30180.2, 30180.3, 30180.4, 30180.5, 30180.6, 30180.7 and 30181.
2. General licenses regarding: (a) static elimination or ion generation devices; (b) gauging and controlling devices; and (c) authorizing any person to acquire, receive, possess, use, or transfer, radium-226 contained in certain products manufactured prior to November 30, 2007.	Amend: 30190 and 30192.1. Adopt: 30192.7.
3. Requirements for applicants submitting transfer of license requests.	Amend: 30194.
4. Special Requirements for issuance of Specific Licenses. Applies to: (a) medical use licensees; (b) all applicants wishing to use RAM in the form of a sealed source or in a device containing a sealed source; and (c) medical facilities or educational institutions wishing to produce Positron Emission Tomography (PET) radioactive drugs for noncommercial transfer to licensees in its consortium.	Amend: 30195.
5. Emergency Plans: Licensees required to have an Emergency Plan.	Amend: 30195.2 and 30195.3.

Topic	Sections Affected
6. Additional Requirements for Specific Licenses authorizing production of PET radioactive drugs for noncommercial transfer to licensees in its consortium.	Adopt: 30195.4.
7. Manufacturing/Distribution: Licensees authorized for Manufacturing and Distribution.	Adopt: 30196. Repeal: 30210.2.
8. Schedules A and C: Quantities and concentrations of RAM that may require possession of a specific license.	Amend: 30235 and 30237.
9. Standards for Protection Against Radiation: All licensees.	Amend: 30253.
10. Inspections and Investigations: nonsubstantial correction of an erroneous reference.	Amend: 30254.
11. Industrial Radiography: Licensees authorized to use RAM in Industrial Radiography.	Amend: 30330, 30332.5, 30332.6, 30332.8, 30333, 30333.1, 30336, 30336.1 and 30336.5. Adopt: 30332.9.
12. Well Logging: Licensees authorized to use RAM in Well-logging.	Amend: 30346, 30346.2, 30348.1 and 30350.

This proposal further:

- Updates the incorporation by reference of Title 10, Code of Federal Regulations Part 35 (10 CFR 35)¹ “Medical Use of Byproduct Material,” in section 30195(a) from January 1, 2008 to January 1, 2013.

¹ This short format “10 CFR 35” for a given Part of NRC’s regulation will be used throughout this document for brevity. For example, “10 CFR 39.33” means Title 10, Code of Federal Regulations, Part 39, section 39.33.

- Updates the incorporation by reference of 10 CFR 30.32(i) and 30.72, pertaining to when an Emergency Plan is required pursuant to section 30195.2, from January 1, 1994 to January 1, 2013.
- Updates the incorporation by reference of 10 CFR 20 pertaining to Standards for Protection Against Radiation in section 30253 from January 1, 2008 to January 1, 2013.
- Incorporates by reference the January 1, 2013 version of 10 CFR 32 “Specific Domestic Licenses to Manufacture or Transfer Certain Items Containing Byproduct Material,” in proposed section 30196.
- For purposes of proposed section 30196, incorporates by reference the January 1, 2013 version of 10 CFR 35.65 in proposed section 30196.

This proposal also corrects inconsistencies in existing regulations that correspond to NRC provisions. Nonsubstantial changes are made in each section to correct grammar, spelling, and capitalization, include the use of acronyms to reduce the physical size of the regulations or to maintain consistency with proposed changes.

Problem Statement: Existing Department regulations pertaining to radioactive material are not compatible with those of the NRC, contain provisions that are out-of-date, and contain unclear references, inconsistencies, and grammatical and capitalization errors.

Objectives: Broad objectives of this proposed regulatory action are to:

- Ensure Department regulations are compatible with those of the NRC.
- Address comments from NRC regarding past regulatory adoptions and existing regulations.
- Update and clarify existing regulations.

Benefits: Anticipated benefits, including nonmonetary benefits, from this proposed regulatory action are:

- Continued protection of the public health and safety, worker safety, and the environment, as established by the Legislature in the following provisions:
 - Health and Safety (H&S) Code sections 114705, 114740, 114755, 114965, 114970, 115000, 115230, and 115235.
- Compatibility with the standards and regulatory programs of the NRC, as specified in H&S Code 114965(a)², 115000(b) and 115235(article V).

² This short format “H&S Code 114705” for a given Health and Safety Code section will be used throughout this document for brevity. For example, “H&S Code 114705” means California Health and Safety Code section 114705.

- Consistency with the regulatory programs of other states, as specified in H&S Code 114965(c).
- Orderly regulatory pattern within the State, among the states and between the federal government and the State, as specified in H&S Code 114965(b).
- Address comments from NRC regarding past regulatory adoptions and existing regulations.
- Update and clarify existing regulations and delete unnecessary regulations.

Program Background

RAM is widely used in many industries, including: the healing arts, for diagnostic and therapeutic purposes; industrial radiography, for nondestructive testing of objects to ensure structural integrity; well logging, for the purpose of obtaining information about the well or adjacent formations which may be used in oil, gas, mineral, groundwater, or geological exploration; and manufacturing and distribution, for designing, building, and supplying radioactive sources for use by the medical, industrial, and other industries. The Department issues licenses authorizing such uses and conducts inspections of users to ensure compliance with applicable laws and regulations.

RAM is regulated and controlled by both the NRC and each of the 50 states within the United States. The regulatory scheme is structured to allow acquisition, receipt, possession, use, or transfer of RAM in the following ways:

- Specific licenses: H&S Code 114985(h) defines “Specific license” as “a license, issued after application, to use, manufacture, produce, transfer, receive, acquire, own, or possess quantities of, or devices or equipment utilizing, byproduct, source, or special nuclear materials, or other radioactive material occurring naturally or produced artificially.”
- General Licenses: H&S Code 114985(g) defines “general license” as a “license, pursuant to regulations promulgated by the Department, effective without the filing of an application, to transfer, acquire, own, possess or use quantities of, or devices or equipment utilizing, byproduct, source, or special nuclear materials, or other radioactive material occurring naturally or produced artificially.” Title 17, California Code of Regulations section 30190–30192.6 (17 CCR 30190–30192.6³) clarify and specify particular types of existing general licenses.
- Exempt products and concentrations: Specific types of products manufactured and distributed by authorized specific licensees may be possessed

³ The short format “17 CCR 30190” for a given regulation found within Title 17, California Code of Regulations will be used throughout this document for brevity.

and used by persons without that person being subject to regulatory requirements, provided the product is used as labeled. Exempt concentrations may be possessed by persons without that person being subject to regulatory requirements, provided a certain amount is not exceeded or certain activities are not performed. H&S Code 115060(c) authorizes the Department to create such exemptions.

Thus, depending on the particular radionuclide, quantity, or activity, a person may be required to obtain a specific license, may only be subject to requirements under a particular general license, or may be exempt from both specific and general license requirements.

Authority

The Radiation Control Law (RCL) (H&S Code 114960–115273) requires the Department to develop programs for licensing and regulating radioactive materials (H&S Code 115000(b)). The Department is the successor of the California Department of Health Services and has the authority to license and regulate radioactive material under the California Public Health Act of 2006 (Stats. 2006, ch. 241 (Senate Bill (SB) 162, Ortiz)).

In 1962, the State of California ratified and approved an agreement with the United States Atomic Energy Commission, the predecessor of the NRC, by which the federal agency discontinued its regulatory authority over certain radioactive materials (H&S Code 115230). By such action California became an “Agreement State.”

California, as an Agreement State, has regulatory authority over the possession and use of RAM by any person subject to state jurisdiction. A person, defined in H&S Code 114985(c), is “any individual, corporation, partnership, limited liability company, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing, other than the United States Nuclear Regulatory Commission, the United States Department of Energy, or any successor thereto, and other than federal government agencies licensed by the United States Nuclear Regulatory Commission, under prime contract to the United States Department of Energy, or any successor thereto.”

A provision of the agreement between California and the NRC specifies that the State “will use its best efforts to maintain continuing compatibility between its program and the program of the [United States Atomic Energy] Commission for the regulation of like materials”

(H&S Code 115235, art. V). NRC’s stated policy is “to evaluate Agreement State programs established pursuant to Section 274 of the Atomic Energy Act (AEA) of 1954, as amended, to ensure they are adequate to protect public health and safety and compatible with NRC’s regulatory program.”⁴

To determine a state’s compatibility, the NRC uses Management Directive 5.9, *Adequacy and Compatibility of Agreement State Programs, Handbook 5.9*.⁵ This handbook describes the specific criteria and process that are used to determine which NRC program elements should be adopted and implemented by an Agreement State for purposes of compatibility, and which NRC program elements have a particular health and safety significance. The NRC rates the elements on the degree of compatibility required. Thus, the NRC requires that some elements be adopted by the states in a form identical to the NRC’s, while others need not be identical, but are still required to meet the essential objective of the program element. The overall determination of adequacy and compatibility for an Agreement State is made pursuant to Management Directive 5.6, *The Integrated Materials Performance Evaluation Program (IMPEP)*.⁶ The NRC evaluates Agreement States every four years to determine if a state’s radiation safety program meets the adequacy and compatibility criteria. If California fails to meet those criteria the NRC may revoke California’s status as an Agreement State and re–invoke federal authority over RAM.

In conjunction with NRC’s IMPEP review every four years, NRC procedures (SA–200⁷) require Agreement States, when adopting regulations required for meeting the adequacy and compatibility determinations, to submit proposed regulations to NRC for review. NRC reviews the proposal to ensure the proposed regulations

⁴ “Adequacy and Compatibility of Agreement State Programs,” Management Directive 5.9, Volume 5: Governmental Relations and Public Sector Affairs, February 27, 1998, page 1. The document is available at the Nuclear Regulatory Commission, Office of Federal and State Materials and Environmental Programs website: <http://nrc-stp.ornl.gov/procedures.html>.

⁵ “Adequacy and Compatibility of Agreement State Programs,” Directive and Handbook 5.9, Volume 5: Governmental Relations and Public Sector Affairs, February 27, 1998. The document is available at the Nuclear Regulatory Commission, Office of Federal and State Materials and Environmental Programs website: <http://nrc-stp.ornl.gov/procedures.html>.

⁶ “Integrated Materials Performance Evaluation Program (IMPEP),” Management Directive 5.6. The document is available at the Nuclear Regulatory Commission, Office of Federal and State Materials and Environmental Programs website: <http://nrc-stp.ornl.gov/procedures.html>.

⁷ SA–200 is available at <http://nrc-stp.ornl.gov/procedures.html>.

meet the applicable NRC compatibility categories. The categories are defined as follows:

NRC Compatibility Categories⁸ (underlined words are defined below)

Category A: Basic radiation protection standard, or related definitions, signs, labels or terms that are necessary for a common understanding of radiation protection principles. The State program element should be essentially identical to that of NRC.

Category B: Program element with significant direct trans-boundary implications. The State program element should be essentially identical to that of NRC.

Category C: Program element, the essential objectives of which should be adopted by the State to avoid conflicts, duplications or gaps. The manner in which the essential objectives are addressed need not be the same as NRC provided the essential objectives are met.

Category D: Not required for purposes of compatibility.

Category NRC: Not required for purposes of compatibility. These are NRC program elements that address areas of regulation that cannot be relinquished to Agreement States pursuant to the AEA or provisions of Title 10 of the Code of Federal Regulations. The State should not adopt these program elements.

Category Health & Safety (H&S): Program elements identified as H&S are not required for purposes of compatibility; however, they do have particular health and safety significance. The State should adopt the essential objectives of such program elements in order to maintain an adequate program.

[] = A bracket around a category (e.g. [B]) means that the Section may have been adopted elsewhere so that it is not necessary to adopt it again.

Definitions⁹

Conflict means that the essential objectives of regulations or program elements are different and an undesirable consequence is likely to result in another jurisdiction or in the regulation of agreement material on a nationwide basis.

Duplication means that identical regulations or program elements apply to the same material at the same time. Note: this definition applies primarily to review of Agreement State regulations.

Essentially Identical means the interpretation of the text must be the same regardless of the version (NRC or Agreement State) that is read.

Essential objective of a regulation or program element means the action that is to be achieved, modified or prevented by implementing and following the regulation or program element. In some instances, the essential objective may be a numerical value (e.g., restriction of exposures to a maximum value) or it may be a more general goal (e.g., access control to a restricted area).

Gaps means that the essential objectives of NRC regulations or program elements are absent from the Agreement State program, and an undesirable consequence is likely to result in another jurisdiction or in the regulation of agreement materials on a nationwide basis.

The regulations that implement, interpret and make specific the provisions of the RCL are in 17 CCR 30100 through 30395.

Changes to the authority and reference citations note found at the end of sections:

- 30254, 30346, 30346.2, and 30348.1 that are proposed to be amended reflect the numbering system implemented by the 1995 recodification of the H&S Code; and
- 30180, 30194, 30195.2, 30235, 30237, 30350 that are proposed to be amended reflect the reorganization of the Department of Health Services into the Department of Health Care Services and the California Department of Public Health, pursuant to SB 162 (Stats. 2006, ch. 241).

These changes are nonsubstantial pursuant to 1 CCR 100. The Department proposes to make the following changes:

Section 30180, Exempt persons, products, concentrations and quantities, is proposed to be amended to both address the problems and realize the benefits as

⁸ "Adequacy and Compatibility of Agreement State Programs," Handbook 5.9, Volume 5: Governmental Relations and Public Sector Affairs, February 27, 1998, Part II, pp. 4-7. The document is available at the Nuclear Regulatory Commission, Office of Federal and State Materials and Environmental Programs website: <http://nrc-stp.ornl.gov/procedures.html>.

⁹ "Adequacy and Compatibility of Agreement State Programs," Handbook 5.9, Volume 5: Governmental Relations and Public Sector Affairs, February 27, 1998, Part IV, page 17. The document is available at the Nuclear Regulatory Commission, Office of Federal and State Materials and Environmental Programs website: <http://nrc-stp.ornl.gov/procedures.html>.

stated regarding this proposed regulatory action and to achieve compatibility with applicable NRC provisions in 10 CFR 30, 40, and 150. Existing section 30180 contains a large number of provisions relating to a number of types of users and products. The section is restructured by proposing to adopt sections 30180.1 through 30181 to treat the different categories of users and products in separate sections as opposed to one long section.

Section 30180.1, Exempt Concentrations, is proposed to be adopted to both address the problems and realize the benefits as stated regarding this proposed regulatory action and for consistency and compatibility with 10 CFR 30.14, which is compatibility category B.

Section 30180.2, Certain Items Containing Radioactive Material, is proposed to be adopted to both address the problems and realize the benefits as stated regarding this proposed regulatory action and for consistency and compatibility with 10 CFR 30.15, which is compatibility category B.

Section 30180.3, Exempt Quantities, is proposed to be adopted to both address the problems and realize the benefits as stated regarding this proposed regulatory action and for consistency and compatibility with 10 CFR 30.18, which is compatibility category B.

Section 30180.4, Self-Luminous Products Containing Tritium, Krypton-85, or Promethium-147, is proposed to be adopted to both address the problems and realize the benefits as stated regarding this proposed regulatory action and for consistency and compatibility with 10 CFR 30.19, which is compatibility category B.

Section 30180.5, Gas and Aerosol Detectors Containing Radioactive Material, is proposed to be adopted to both address the problems and realize the benefits as stated regarding this proposed regulatory action and for consistency and compatibility with 10 CFR 30.20, which is compatibility category B.

Section 30180.6, Radioactive Drug: Capsules Containing Carbon-14 Urea for “In Vivo” Diagnostic Use for Humans, is proposed to be adopted to both address the problems and realize the benefits as stated regarding this proposed regulatory action and for consistency and compatibility with 10 CFR 30.21(a), (b) and (d), which are compatibility category B, and subdivision (c), which is compatibility category NRC.

Section 30180.7, Certain Industrial Products, is proposed to be adopted to both address the problems and realize the benefits as stated regarding this proposed regulatory action, and for consistency and compatibility with 10 CFR 30.22, which is compatibility category B.

Section 30181, Products and Quantities of Source Material, is proposed to be adopted to both address the problems and realize the benefits as stated regarding this proposed regulatory action and for consistency and

compatibility with 10 CFR 40.13, which is compatibility category B.

Section 30190, Types of Licenses, is proposed to be amended to both address the problems and realize the benefits stated regarding this proposed regulatory action and to ensure clarity and consistency with other proposed changes.

Section 30192, General Licenses — Static Elimination or Ion Generation Devices, equivalent to 10 CFR 31.3, is proposed to be deleted for the reasons stated regarding section 30180 as it relates to NRC’s regulatory amendments that limit the licensing of introduction of exempt concentrations of RAM to the NRC.

Section 30192.1, General Licenses — Gauging and Controlling, is proposed to be amended to both address the problems and realize the benefits stated regarding this proposed regulatory action and to achieve compatibility with 10 CFR 31.5(b)(1)(i) and consistency with other proposed changes.

Section 30192.7, General Licenses — Items and Self-Luminous Products Containing Radium-226, is proposed to be added to both address the problems and realize the benefits stated regarding this proposed regulatory action and to achieve compatibility with 10 CFR 31.12, which is compatibility category C.

Section 30194, Approval of Applications and Specific Terms and Conditions for Licenses, is proposed to be amended to both address the problems and realize the benefits stated regarding this proposed regulatory action and to achieve compatibility with NRC’s regulations found in 10 CFR 30.34(b)(2) as adopted by NRC in the June 17, 2011 publication of the Federal Register (76 Fed. Reg. 35512 (June 17, 2011)).

Section 30195, Special Requirements for Issuance of Specific Licenses, is proposed to be amended to both address the problems and realize the benefits stated regarding this proposed regulatory action and to achieve compatibility with the updated NRC medical use regulations found in 10 CFR 35 and 10 CFR 30.32(g) and (j), as amended by NRC at the October 1, 2007 publication of the Federal Register (72 Fed. Reg. 55927 (Oct. 1, 2007)). The date of incorporation of 10 CFR 30.35 is changed from January 1, 1994 to January 1, 2013 to achieve compatibility with NRC’s regulations.

Section 30195.2, Special Requirements for Issuance of Specific Licenses — Emergency Plans, is amended to both address the problems and realize the benefits stated regarding this proposed regulatory action by updating the date of incorporation of 10 CFR 30.32(i) and 30.72 from January 1, 1994 to January 1, 2013 to achieve compatibility with NRC’s regulations.

Section 30195.3, Special Requirements for Issuance of Specific Licenses for Use of Sealed Sources in Industrial Radiography, is proposed to be amended

to both address the problems and realize the benefits stated regarding this proposed regulatory action by making grammatical corrections in subsection (b)(6). This change is without regulatory effect.

Section 30195.4, Additional Requirements for Specific Licenses Authorized Pursuant to Section 30195(d), is proposed to be adopted to both address the problems and realize the benefits stated regarding this proposed regulatory action and to achieve compatibility with NRC's regulations found in 10 CFR 30.4 for the term "consortium" and 10 CFR 30.340(j) as adopted by NRC in the October 1, 2007 publication of the Federal Register (72 Fed. Reg. 55927 (Oct. 1, 2007)).

Section 30196, Special Requirements for Issuance of Specific Licenses to Manufacture or Transfer Certain Items Containing Radioactive Material, is proposed to be adopted to both address the problems and realize the benefits stated regarding this proposed regulatory action and to achieve compatibility with NRC's regulations found in 10 CFR 32. The January 1, 2013 publication of 10 CFR 32 is incorporated by reference with exceptions.

Section 30210.2, Labeling Requirements for the Manufacture, Preparation or Transfer for Commercial Distribution, of Drugs Containing Radioactive Material for Human Use as Authorized by a Specific License, is proposed to be deleted because it is duplicative of 10 CFR 32.72(a)(4), which is being incorporated by reference in proposed section 30196.

Section 30235, Schedule A. Exempt Quantities, is proposed to be amended to both address the problems and realize the benefits stated regarding this proposed regulatory action by including certain radionuclides. This section was compared with its federal equivalent, 10 CFR 30.71 (compatibility category B). The following changes are made to ensure the section is essentially identical to NRC's provision as recommended by NRC:

- The following radionuclides, and the indicated quantity, are added:
 - Germanium 68 (Ge 68), 10 microcuries;
 - Gold 195 (Au 195), 10 microcuries;
 - Indium 115 (In 115), 10 microcuries;
 - Thallium 202 (Tl 202), 100 microcuries; and
 - Yttrium 88 (Y 88), 10 microcuries.
- Sodium 22 (Na 22): quantity is changed from one microcurie to 10 microcuries.
- Beryllium 7 (Be 7) and Lead 210 (Pb 210) are deleted as required by NRC.

Section 30237, Schedule C, Exempt Concentrations, is proposed to be repealed and re-adopted to both address the problems and realize the benefits stated regarding this proposed regulatory action by ensuring it is

equivalent to its federal equivalent, 10 CFR 30.70 (compatibility category B).

Section 30253, Standards for Protection Against Radiation, is proposed to be amended to both address the problems and realize the benefits stated regarding this proposed regulatory action and to achieve compatibility with NRC's radiation protection standards amended at the June 17, 2011 publication of the Federal Register (76 Fed. Reg. 35512). The incorporation date of January 1, 2008 is changed to January 1, 2013 to achieve compatibility with NRC's regulations.

Section 30254, Inspection, is proposed to be amended to both address the problems and realize the benefits stated regarding this proposed regulatory action by correctly identifying a section reference.

Section 30330, Definitions Specific to Industrial Radiography, is proposed to be amended to both address the problems and realize the benefits stated regarding this proposed regulatory action by addressing NRC's comment on this provision, which is equivalent to 10 CFR 34.3 for the terms "Industrial Radiography" and "Radiographer Certification." Both terms are compatibility category B.

Section 30332.5, Quarterly Inventory of Sealed Sources, is proposed to be amended to both address the problems and realize the benefits stated regarding this proposed regulatory action by addressing NRC's comment on this provision, which is equivalent to 10 CFR 34.29 and is compatibility category C.

Section 30332.6, Utilization Logs, is proposed to be amended to both address the problems and realize the benefits stated regarding this proposed regulatory action by addressing NRC's comment on this provision, which is equivalent to 10 CFR 34.71, compatibility category B.

Section 30332.8, Reporting Requirements, is proposed to be amended to both address the problems and realize the benefits stated regarding this proposed regulatory action by addressing NRC's comment on this provision, which is equivalent to 10 CFR 34.101, compatibility category C.

Section 30332.9, Labeling, Storage, and Transportation, is proposed to be adopted to both address the problems and realize the benefits stated regarding this proposed regulatory action by addressing NRC's comment regarding an equivalent regulation to 10 CFR 34.35, which is compatibility category B.

Section 30333, Training and Supervision for Radiographers and Radiographers' Assistants Using Sealed Sources, is proposed to be amended to both address the problems and realize the benefits stated regarding this proposed regulatory action by addressing NRC's comment on this provision, which is equivalent to 10 CFR 34.79 and is compatibility category C. The

title's section is also amended for grammatical correction. This is a change without regulatory effect.

Section 30333.1, Operating and Emergency Procedures, is proposed to be amended to both address the problems and realize the benefits stated regarding this proposed regulatory action by addressing NRC's comment on this provision, which is equivalent to 10 CFR 34.81, compatibility category C.

Section 30336, Requirements for Shielded-Room Radiography, is proposed to be amended to address the following problems and realize the following benefits. This is a change without regulatory effect.

Problem: The note at the end of the section that states how to obtain the document incorporated by reference in this section is outdated. Further, the note incorrectly implies that "Global Engineering Documents" is part of the American National Standards Institute, Inc. (ANSI).

Objective: Correctly identify the mailing address for ANSI and clarify the business relationships between ANSI and "Global Engineering Documents."

Anticipated benefits from this proposal are:

- Identification of the correct mailing address for ANSI;
- Clarification that "Global Engineering Documents" is related to the indicated Internet website, not ANSI; and
- Reduction of postage costs for persons trying to obtain a copy of the incorporated document due to using the wrong mailing address for ANSI.

The note at the end of the section is amended to update ANSI's mailing address and to clarify that the phrase "Global Engineering Documents" is not an entity within ANSI but is associated with the specified internet website address. That phrase is deleted and the website's name is inserted; namely, IHS Standards Store.

Section 30336.1, Requirements for Field Radiography, is proposed to be amended to both address the problems and realize the benefits stated regarding proposed section 30336 by making grammatical corrections to subsections (p) and (p)(3) and updating the note on how to obtain a copy of the document incorporated by reference in this section. This is a change without regulatory effect. The note at the end of the section is amended to update the mailing address of the ANSI and to clarify that the phrase "Global Engineering Documents" is not an entity within ANSI but is associated with the specified internet website address. That phrase is deleted and the website's name is inserted; namely, IHS Standards Store.

Section 30336.5, Requirements for Radiation Machine Radiographers' Assistants, is proposed to be

amended to both address the problems and realize the benefits stated regarding proposed section 30336 by making grammatical corrections in the section's title and the authority and reference note. These changes are without regulatory effect.

Section 30346, Agreement with Well Owner or Operator, is proposed to be amended to both address the problems and realize the benefits stated regarding this proposed regulatory action and to achieve consistency with NRC's regulation found in 10 CFR 39.15, which is compatibility category C.

Section 30346.2, Radiation Detection Instruments, is proposed to be amended to both address the problems and realize the benefits stated regarding this proposed regulatory action and to achieve compatibility with NRC's regulation found in 10 CFR 39.33, which is compatibility categories C and D.

Section 30348.1, Training Requirements, is proposed to be amended to both address the problems and realize the benefits stated regarding this proposed regulatory action and to achieve consistency with NRC's regulation found in 10 CFR 39.61, which is compatibility category B.

Section 30350, Security, is proposed to be amended to both address the problems and realize the benefits stated regarding this proposed regulatory action by correcting an inadvertent change made in a prior rulemaking regarding NRC's provision 10 CFR 39.71, which is compatibility category C.

INCONSISTENT/INCOMPATIBLE WITH EXISTING STATE REGULATIONS

The Department evaluated this proposal to determine whether the proposed regulations are inconsistent or incompatible with existing state regulations. This evaluation included a review of the Department's existing general regulations and those regulations specific to the regulatory control of radioactive material. Some inconsistencies in those specific regulations were found, and are addressed in this proposal. An internet search of other state agency regulations was also performed. It was determined that no other state regulation addressed the same subject matter, and that this proposal is not inconsistent or incompatible with other state regulations. Therefore, the Department has determined that this proposal, if adopted, would not be inconsistent or incompatible with existing state regulations.

LOCAL MANDATE

The Department has determined that the regulation would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by part 7 (commencing with Section 17500) of division 4 of the Government Code.

FISCAL IMPACT ESTIMATE

- A. Fiscal Effect on Local Government or School District: None.
- B. Fiscal Effect on State Government: None.
- C. Fiscal Effect on Federal Funding of State Programs: None.
- D. Other Nondiscretionary Cost or Savings Imposed on Local Agencies: None.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in a reasonable compliance with the proposed action.

HOUSING COSTS

The Department has determined that the regulations will have no impact on housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE

The Department has made an initial determination that the proposed regulatory action would have no significant adverse economic impact on California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states.

SMALL BUSINESS

The Department has determined that there would be an effect on small business because they will be legally required to comply with the regulation and may incur a detriment from the enforcement of the regulation.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The Department has determined that the proposed regulatory action would not significantly affect the following:

1. The creation or elimination of jobs within the State of California.
2. The creation of new businesses or the elimination of existing businesses within the State of California.
3. The expansion of businesses currently doing business within the State of California.

The Department has determined that the proposed regulatory action would increase and strengthen the health and welfare of California residents, worker safe-

ty, and protection of the State's environment because it addresses compatibility with NRC regulations through restructuring, clarifying and updating existing regulation as intended by the Legislature.

BUSINESS REPORTING REQUIREMENT

The Department finds that the reports required by the proposed regulatory action are necessary for the health, safety, and welfare of the people of this state. This finding is based on NRC's federal statutory authority for protection of the public health and safety, as identified in NRC's comments to the Department.

ALTERNATIVES INFORMATION

The Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. Alternatives have been considered in those areas not subject to or specifically limited by the adequacy and compatibility criteria applicable under the State of California agreement with the United States Atomic Energy Commission, the predecessor to the NRC (H&S Code, § 115230). Such areas are discussed within the specific discussion of each section proposed to be amended, adopted or repealed.

CONTACT PERSON

Inquiries regarding the substance of the proposed regulations described in this notice may be directed to Phillip L. Scott of the Radiologic Health Branch, at (916) 440-7978 or Brandy Pena of the Radiologic Health Branch, at (916) 440-7961.

All other inquiries concerning the action described in this notice may be directed to Linda M. Cortez, Office of Regulations, at (916) 440-7807.

In any inquiries or written comments, please identify the action by using the Department regulation package identifier, DPH-11-024.

AVAILABILITY STATEMENTS

The Department has prepared and has available for public review an initial statement of reasons for the proposed regulations, all the information upon which the proposed regulations are based, and the text of the proposed regulations. The Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814, will be the

location of public records, including reports, documentation, and other material related to the proposed regulations (rulemaking file).

In order to request that a copy of this public notice, the regulation text, and the initial statement of reasons or alternate formats for these documents be mailed to you, please call (916) 440-7807 (or the California Relay Service at 711), send an email to regulations@cdph.ca.gov or write to the Office of Regulations at the address previously noted. Upon specific request, these documents will be made available in Braille, large print, audiocassette, or computer disk.

The full text of any regulation which is changed or modified from the express terms of the proposed action will be made available by the Department's Office of Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

A copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations.

INTERNET ACCESS

Materials regarding the action described in this notice (including this public notice, the regulation text of the proposed regulations, and the initial statement of reasons) are available via the Internet and may be accessed at www.cdph.ca.gov by clicking on these links, in the following order: Decisions Pending & Opportunity for Public Participation, Proposed Regulations.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

CESA CONSISTENCY DETERMINATION REQUEST FOR

Dyer Reservoir Control Buildings Line
Upgrade Project
(2080-2014-008-03)

Alameda County & Contra Costa County

The Department of Fish and Wildlife (CDFW) received a notice on April 28, 2014, that Pacific Gas and Electric Company (PG&E) proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed action involves modifications to existing 4 kV electric service lines along Altamont Pass Road and Dyer Road to allow for connection with the Dyer Reser-

voir control buildings. PG&E proposes to upgrade this circuit to 21 kV capabilities and tie-in to a circuit originating from the Las Positas substation west of Vasco Road. This includes installation of up to 83 wooden poles, 13 new taps, and 1.9 miles of new service line. The proposed project will occur northeast of the City of Livermore and Interstate 580 in an unincorporated area of eastern Alameda and southern Contra Costa counties, California.

The U.S. Fish and Wildlife Service (Service) issued a "no jeopardy" federal biological opinion (Service File No. 08ESMF00-2013-F-0187)(BO) and incidental take statement (ITS) to the U.S. Army Corps of Engineers on April 4, 2014, which considered the effects of the project on the state and federally threatened California tiger salamander (*Ambystoma californiense*) and the state threatened and federally endangered San Joaquin kit fox (*Vulpes macrotus mutica*).

Pursuant to California Fish and Game Code section 2080.1, PG&E is requesting a determination that the BO and ITS are consistent with CESA for purposes of the proposed project. If the CDFW determines the BO and ITS are consistent with CESA for the proposed project, PG&E will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the project.

DEPARTMENT OF FISH AND WILDLIFE

CESA CONSISTENCY DETERMINATION REQUEST FOR

L107/L131 Replacement (Mission to Vargas) Project
(2080-2014-007-03)
Alameda County

The Department of Fish and Wildlife (CDFW) received a notice on April 22, 2014, that Pacific Gas and Electric Company (PG&E) proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). The proposed action involves two different natural gas pipelines, line 107 and Line 131, both of which are 22-inch diameter pipelines. These pipelines have been identified as having a high likelihood of movement-initiated failure. As such, the proposed Project will combine service from the two pipelines into a single 36-in. pipeline that will replace the existing Line 107, which will be taken out of service and decommissioned, along with the corresponding section of Line 131. The proposed project will occur at Fremont, Alameda County, California.

The U.S. Fish and Wildlife Service (Service) issued a "no jeopardy" federal biological opinion (Service File

No 08ESMF00–2013–F–0129)(BO) and incidental take statement (ITS) to the U.S. Army Corps of Engineers on April 22, 2014, which considered the effects of the project on the state and federally threatened California tiger salamander (*Ambystoma californiense*) and the state threatened and federally endangered San Joaquin Kit Fox (*Vulpes macrotus mutica*).

Pursuant to California Fish and Game Code section 2080.1, PG&E is requesting a determination that the BO and ITS are consistent with CESA for purposes of the proposed project. If the CDFW determines the BO and ITS are consistent with CESA for the proposed project, PG&E will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the project.

DEPARTMENT OF FISH AND WILDLIFE

PROPOSED RESEARCH ON FULLY PROTECTED SPECIES

Lost River Sucker and Shortnose Sucker
Siskiyou and Shasta Counties

The Department of Fish and Wildlife (Department) received a project proposal from the U.S. Fish and Wildlife Service (Service) requesting authorization to import fertilized eggs of Lost River sucker (*Deltistes luxatus*) and shortnose sucker (*Chasmistes brevirostris*), Fully Protected Fishes, for rearing and to ultimately improve survival of these fish.

The applicant is required to have a Fully Protected Species Memorandum of Understanding (FPSMOU) to possess or take fully protected species of fish. The applicant currently has a valid USFWS Section 10 recovery sub-permit and has applied for a FPSMOU to permit them to import 10,000 fertilized eggs of Lost River suckers and 16,000 fertilized eggs of shortnose suckers, Fully Protected Species. The proposed rearing is being conducted by the Service in support of the ongoing recovery of these endangered species in the Klamath Basin. This work will build a strong foundation towards achieving important recovery actions identified in the draft revised Recovery Plan (76 FR 64372) for the suckers.

The applicant proposes to import from Oregon fertilized Lost River sucker and shortnose sucker eggs for rearing at the USFWS California–Nevada (CA–NV) Fish Health Center in Anderson, CA until they are large enough to transport to grow-out ponds at Lower Klamath National Wildlife Refuge (NWR) and/or net pens in Tule Lake NWR in California, and Upper Klamath Lake, OR. The eggs and resulting fry will be held in

quarantine at the USFWS CA–NV Fish Health Center. Only experienced personnel will hatch/rear the suckers, and the project includes a monitoring component for released suckers. Detailed prescriptions for handling, rearing and relocating suckers will be included in the applicant's FPSMOU, if issued. Additional locations and/or methods may be authorized by the Department for future projects.

Pursuant to California Fish and Game Code (FGC) Section 5515(a)(1), the Department may authorize take of Fully Protected Fish after 30 days' notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed project is consistent with the requirements of FGC Section 5515 for take of Fully Protected Fish, it will issue the authorization in the form of a FPSMOU on or after June 9, 2014 for an initial term of five years. Because the applicant's Section 10 subpermit expires on December 31, 2014, the FPSMOU must be accompanied by a USFWS Section 10 permit to remain valid after December 31, 2014. This FPSMOU may be renewed as long as the Section 10 permit is renewed.

Contact: Northern Region, 1625 S. Main Street Yreka, CA 96097; Attn: Jennifer Bull.

DEPARTMENT OF FISH AND WILDLIFE

PROPOSED RESEARCH ON FULLY PROTECTED SPECIES

Food Habits of Golden Eagle in the Mojave Desert

The Department of Fish and Wildlife (Department) received a proposal on April 29, 2014 from Christopher Lowrey on behalf of the United States Geological Survey, Western Ecological Research Center, Las Vegas Field Station, Henderson, Nevada, requesting authorization to take the golden eagle (*Aquila chrysaetos*) (eagle), for scientific research purposes, consistent with protection and recovery of the species. The eagle is a Fully Protected bird.

Mr. Lowrey proposes to study the eagle throughout its geographic range in the Mojave Desert, in accordance with non-invasive methods approved by the Department and the U.S. Fish and Wildlife Service (Service). The research proposed involves installing closed-circuit television systems no less than 4 meters from the nest to monitor eagle nesting and feeding activities and document reproductive success. Additional research includes collecting prey remains from in and around the nest after the last young eagle has permanently left the nest. Future research on eagles may also include additional field techniques as approved by the Department.

Mr. Lowery and any others deemed qualified by the Department for this purpose would conduct the research activities described above, in order to provide information on food habits of nesting eagles. No adverse effects on individual eagles or eagle populations are expected.

The Department intends to issue a Memorandum of Understanding (MOU) to authorize qualified professional wildlife researchers, with Mr. Lowrey as the Principal Investigator, to carry out the proposed research activities on eagles. The applicants are also required to have valid federal permits for the eagle research, and a scientific collecting permit (SCP) to take other terrestrial species in California.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected birds after 30 days' notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 3511 for take of Fully Protected birds, it would issue the authorization on or after June 9, 2014, for an initial and renewable term of three years. Contact: Carie Battistone, Carie.Battistone@wildlife.ca.gov, 916-445-3615.

DEPARTMENT OF HEALTH CARE SERVICES

CORRECTION TO NOTICE OF GENERAL PUBLIC INTEREST

THE CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES CORRECTS THE NUMBER OF THE STATE PLAN AMENDMENT TO AMEND THE MEDICAID PROGRAM STATE PLAN TO UPDATE REIMBURSEMENT METHODOLOGY FOR MEDI-CAL CHILDHOOD LEAD POISONING PREVENTION CASE MANAGEMENT

This notice corrects the State Plan Amendment (SPA) number for the public notice published by Department of Health Care Services (DHCS) on February 15, 2013 for a proposed change in the methods and standards for setting payment rates for case management services to Medi-Cal beneficiaries under the Childhood Lead Poisoning Prevention Program benefit established in chapter 5 of part 5 of division 103 of the Health and Safety (H&S) Code (section 105275) and, specifically, section 105290. While the public notice said that DHCS would submit State Plan Amendment (SPA) 12-015, the correct SPA number will be 14-005 and the effective date will be May 9, 2014. There are no other changes to the

SPA content or previously published public notice. For more information, please contact Laurie Weaver, Chief, Medi-Cal Benefits Division; Department of Health Care Services; MS 4600; P.O. Box 997417; Sacramento, CA 95899-7417.

DEPARTMENT OF PUBLIC HEALTH

TITLE: PREVENTIVE HEALTH AND HEALTH SERVICES BLOCK GRANT (PHHSBG) (STATE PLAN) FOR FEDERAL FISCAL YEAR (FFY) 2014

ACTION: NOTICE OF PUBLIC HEARING FOR THE REVISED FFY 2014 STATE PLAN

SUBJECT

The Centers for Disease Control and Prevention has made additional funds available to the California Department of Public Health (CDPH) for the development and implementation of programs and activities to decrease the morbidity and mortality that results from preventable disease and injury. The purpose of this hearing is to discuss and receive comments on the Revised FFY 2014 State Plan, which identifies all program activities supported by these funds during State Fiscal Year 2014-15 (FFY 2014).

PUBLIC HEARING PROCESS

Notice is hereby given that CDPH will hold a public hearing commencing at 1:00 p.m. and ending at 3:00 p.m. on Monday, May 19, 2014 in Room 74.463 (Kings Room), 1616 Capitol Avenue, Sacramento, California, at which time any person may present statements or arguments orally or in writing relevant to the action described in this notice. If you plan to attend the Public Hearing, please be sure to bring identification so you can be admitted into the building by the security guard.

Webinar: Please register for the PHHSBG Public Hearing on Monday, May 19, 2014 at 12:45 p.m.-1:00 p.m. PDT at <https://studentgototraining.com/r/88155901847785216>.

After registering you will receive a confirmation email containing information about joining the training. Please contact (916) 552-9900 if you experience technical difficulties registering for or logging into the webinar.

The Chronic Disease Control Branch, CDPH, 1616 Capitol Avenue, MS 7208, P.O. Box 997377, Sacramento, CA., 95899-7377 must receive any written statements or arguments by 5:00 p.m. May 20, 2014 which is hereby designated as the close of the written comment period. It is requested, but not required, that written statements or arguments be submitted in triplicate.

CONTACT

Inquiries concerning the action described in this notice may be directed to Ms. Anita Butler, PHHSBG Coordinator, at (916) 552-9964 or Anita.Butler@cdph.ca.gov or the Chronic Disease Control Branch at (916) 552-9900 or mail to: CDCB@cdph.ca.gov. In any such inquiries, please identify the action by using the Department Control letters "PHHSBG."

AVAILABILITY OF INFORMATION FOR REVIEW

The Agenda will be available for review at 1616 Capitol Avenue, Sacramento, California, from 8:00 a.m. to 5:00 p.m., May 9, 2014 through May 19, 2014. It will also be available on the following website <http://cdphinternet/programs/cdcb/Pages/default.aspx> from 8:00 a.m. to 5:00 p.m., May 9, 2014 through May 19, 2014.

In addition, the notice will be made available in appropriate alternative formats, upon request by any person with a disability as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec 12132), and the applicable federal rules and regulations. Any request for such information must be received by the CDPH 7 days prior to May 19, 2014.

The State Plan will be available for review at 1616 Capitol Avenue, Sacramento, California and online <http://cdphinternet/programs/cdcb/Pages/default.aspx> from 8:00 a.m. to 5:00 p.m., May 14, 2014 through May 20, 2014.

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

NOTICE OF PUBLIC COMMENT PERIOD PROPOSED CONSENT DECREE STANDARD NICKEL CHROMIUM PLATING COMPANY Los Angeles, California PUBLIC COMMENT PERIOD: May 1, 2014 to June 2, 2014

WHAT IS BEING PROPOSED — The Department of Toxic Substances Control (DTSC) invites the public to review and comment on a proposed Consent Decree with George Dulgarian, Dean Dulgarian, and Douglas Dulgarian, regarding the Standard Nickel Chromium property located at 811, 817/819, 825, and 826 East 62nd Street, Los Angeles, California. Under the proposed Consent Decree, the Dulgarian's will pay approximately \$950,000 to reimburse DTSC for a portion of its remediation and oversight costs, plus up to

\$20,000 in costs to negotiate, prepare, and finalize the proposed Consent Decree, subject to certain conditions and reservations.

HOW CAN I GET INVOLVED? — DTSC will consider public comments on the Consent Decree that are postmarked or received by June 2, 2014. DTSC may decline to finalize the Consent Decree if such comments disclose facts or considerations that indicate the proposed Consent Decree is inappropriate, improper or inadequate. Comments should be addressed to:

Tedd Yargeau
Cleanup Program — GDD Decree
Department of Toxic Substances Control
9211 Oakdale Avenue
Chatsworth, CA 91311
tedd.yargeau@dtsc.ca.gov
*Please include the phrase
"Standard Nickel CD Comments"
in the subject line of you letter or e-mail.*

WHERE DO I GET INFORMATION? The proposed Consent Decree and other documents are available at the following location:

DTSC Regional Records Office
File Room (By appointment only)
9211 Oakdale Avenue
Chatsworth, CA 91311
Phone: Glenn Castillo (818) 717-6522

Copies of these documents, key technical reports, and other site-related information are also available online at DTSC's website: www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=71003183.

A copy of the 18 page proposed Consent Decree may also be obtained by mail from the DTSC by written request sent to:

Tedd Yargeau — GDD Decree, Cleanup Program, 9211 Oakdale Ave, Chatsworth, CA 91311, fax (818) 717-6557 or e-mail tedd.yargeau@dtsc.ca.gov

FOR ADDITIONAL INFORMATION: If you have any questions or wish to discuss the Consent Decree please contact:

For The Project:
Tedd Yargeau
DTSC Project Manager
(818) 212-5340
tedd.yargeau@dtsc.ca.gov

For Public Participation:
Zenzi A Poindexter
Public Participation Specialist
(866) 495-5651 3, 3
zenzi.poindexter@dtsc.ca.gov

Departamento de Control de Sustancias Tóxicas

Mayo de 2014

Aviso Público

La misión del DTSC es proteger a la gente y al medio ambiente de California de los efectos dañinos de sustancias tóxicas a través de la restauración de recursos contaminados, aplicación, regulación y prevención de la contaminación.

AVISO DE PERIODO DE COMENTARIOS PÚBLICOS DECRETO DE CONSENTIMIENTO PROPUESTO STANDARD NICKEL CHROMIUM PLATING COMPANY

Los Ángeles, California

PERIODO DE COMENTARIOS PÚBLICOS: 1 de mayo de 2014 al 2 de junio de 2014

¿QUÉ ESTÁ SIENDO PROPUESTO? – El Departamento de Control de Sustancias Tóxicas (DTSC, por sus siglas en inglés) invita al público a revisar y comentar acerca de un Decreto de Consentimiento propuesto con George Dulgarian, Dean Dulgarian y Douglas Dulgarian, en relación a la propiedad Standard Nickel Chromium ubicada en 811, 817/819, 825 y 826 de la East 62nd Street, Los Ángeles, California. Bajo el Decreto de Consentimiento propuesto, los Dulgarian pagarán aproximadamente \$950,000 para reembolsar al DTSC por una porción de sus costos de rehabilitación y supervisión, además de hasta \$20,000 en costos para negociar, elaborar y finalizar el Decreto de Consentimiento propuesto, sujeto a ciertas condiciones y reservas.

¿CÓMO PUEDO INVOLUCRARME? – EL DTSC considerará comentarios públicos acerca del Decreto de Consentimiento que tengan sello postal o sean recibidos hasta el 2 de junio de 2014. El DTSC puede declinar a finalizar el Decreto de Consentimiento si dichos comentarios revelan hechos o consideraciones que indiquen que el Decreto de Consentimiento propuesto es inapropiado, impropio o inadecuado. Los comentarios deben ser dirigidos a:

Tedd Yargeau

Programa de Limpieza - Decreto GDD

Departamento de Control de Sustancias Tóxicas

9211 Oakdale Avenue

Chatsworth, CA 91311

tedd.yargeau@dtsc.ca.gov

Favor de incluir la frase:

"Comentarios sobre el CD de Standard Nickel

en la sección de asunto de su carta o correo electrónico.

¿DÓNDE OBTENGO INFORMACIÓN? El Decreto de Consentimiento propuesto y otros documentos relativos a la instalación, están disponibles en la siguiente ubicación:

Oficina Regional de Registros del DTSC

Sala de Archivo (Únicamente con cita)

9211 Oakdale Avenue

Chatsworth, CA 91311

Teléfono: Glenn Castillo (818) 717-6522

Copias de estos documentos, reportes técnicos clave y otra información relativa al sitio se encuentran también disponibles en línea en el sitio web del DTSC: www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=71003183

Una copia del Decreto de Consentimiento propuesto de 18 páginas también puede ser obtenido por correo por parte del DTSC a través de una solicitud por escrito enviada a Tedd Yargeau – Decreto GDD, Programa de Limpieza, 9211 Oakdale Ave, Chatsworth, CA 91311, fax (818) 717-6557 o correo electrónico tedd.yargeau@dtsc.ca.gov

PARA INFORMACIÓN ADICIONAL: Si usted tiene alguna pregunta o desea discutir el Decreto de Consentimiento, favor de contactar:

Por el Proyecto:

Tedd Yargeau

Gerente del Proyecto del DTSC

(818) 212-5340

tedd.yargeau@dtsc.ca.gov

Por Participación Pública:

Zenzi A. Poindexter

Especialista en Participación Pública

(866) 495-5651 3, 3

zenzi.poindexter@dtsc.ca.gov

CalEPA



DTSC



Estado de California



PROPOSITION 65**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT****SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986
(PROPOSITION 65)****EXTENSION OF PUBLIC COMMENT FOR
NOTICE OF INTENT TO LIST:
ETHYLENE GLYCOL
May 9, 2014**

*[NOTE Posted on the OEHHA website
on May 1, 2014]*

On April 11, 2014, the California Environmental Protection Agency's (Cal/EPA) Office of Environmental Health Hazard Assessment (OEHHA) published a notice in the *California Regulatory Notice Register* (Register 2014, No. 15-Z) announcing its intent to list ethylene glycol as known to the State to cause reproductive toxicity under the Safe Drinking Water and Toxic Enforcement Act of 1986.¹

The April 11 notice initiated a 30-day public comment period that was scheduled to close on May 12, 2014. OEHHA has received a request from the Ethylene Glycols Panel of the American Chemistry Council seeking an extension of the comment period. **OEHHA hereby extends the public comment period until 5 p.m., Wednesday, June 11, 2014.**

We encourage you to submit comments via e-mail, rather than in paper form. Comments transmitted by e-mail should be addressed to P65Public.Comments@oehha.ca.gov with "NOIL-Ethylene Glycol" in the subject line. Hard copy comments may be mailed, faxed, or delivered in person to the addresses below:

Mailing Address: Ms. Cynthia Oshita
Office of Environmental Health
Hazard Assessment
P.O. Box 4010, MS-19B
Sacramento, California
95812-4010
Fax: (916) 323-2265
Street Address: 1001 I Street
Sacramento, California 95814

¹ Commonly known as Proposition 65, the Safe Drinking Water and Toxic Enforcement Act of 1986 is codified in Health and Safety Code section 25249.5 *et seq.*

Comments received during the public comment period will be posted on the OEHHA website after the close of the comment period.

If you have any questions, please contact Ms. Oshita at cynthia.oshita@oehha.ca.gov or at (916) 445-6900.

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT****SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986
(PROPOSITION 65)****NOTICE TO INTERESTED PARTIES
May 9, 2014****TENTATIVE AGENDA FOR THE MAY 21, 2014
MEETING OF THE DEVELOPMENTAL AND
REPRODUCTIVE TOXICANT
IDENTIFICATION COMMITTEE**

The Developmental and Reproductive Toxicant Identification Committee (DARTIC) of OEHHA's¹ Science Advisory Board identifies chemicals for addition to the list of chemicals known to the State to cause reproductive toxicity (Health and Safety Code section 25249.8(b)). The Committee serves as the "state's qualified experts" for determining whether a chemical has been clearly shown, through scientifically valid testing according to generally accepted principles, to cause reproductive toxicity.

A public meeting of the DARTIC will be held on Wednesday, May 21, 2014. On March 14, 2014, OEHHA released the hazard identification materials for the three chemicals that will be reconsidered for listing at the May 21 meeting. The meeting will be webcast. The URL for the webcast (not active until the day and time of the meeting) is: <http://calepa.ca.gov/Broadcast/>. On the day of the meeting, the link to the webcast will also be posted on the OEHHA web site at http://www.oehha.ca.gov/prop65/whats_new/index.html. If you have special accommodation or language needs, please contact Cynthia Oshita at (916) 445-6900 or cynthia.oshita@oehha.ca.gov by May 14, 2014. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

¹ The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code, section 25249.5 *et seq.* (commonly known as Proposition 65).

TENTATIVE AGENDA

- I. WELCOME AND OPENING REMARKS
- II. RECONSIDERATION OF CHEMICALS CURRENTLY LISTED AS KNOWN TO THE STATE TO CAUSE REPRODUCTIVE TOXICITY
 - A. Hexafluoroacetone
 - Staff presentation
 - Public comments*
 - Committee discussion and decision
 - B. Phenylphosphine
 - Staff presentation
 - Public comments*
 - Committee discussion and decision
 - C. Chlorsulfuron
 - Staff presentation
 - Public comments*
 - Committee discussion and decision

III. STAFF UPDATES

IV. SUMMARY OF COMMITTEE ACTIONS

* Generally public comments should be limited to 5 minutes, which may be changed if time allows and at the discretion of the Chair. Commenters may ask the Chair for additional time in advance by sending a request to Cynthia Oshita at Cynthia.Oshita@oehha.ca.gov at least three business days in advance of the meeting. The request should specify the name(s) of the commenter(s), the amount of time requested, and (briefly) the reasons for additional time.

DECISION NOT TO PROCEED

BOARD OF PHARMACY

PUBLIC HEARING TO CONSIDER AMENDING COMPOUNDING DRUG PRODUCTS

By notice dated November 29, 2013, and published in the California Regulatory Notice Register, Register 2013, No. 48-Z, the California State Board of Pharmacy announced it would conduct a public hearing to consider proposed amending Articles 4.5 and 7 to California Code of Regulations, Title 16.

PLEASE BE ADVISED the proposed rulemaking action has been withdrawn. Pursuant to Government

Code section 11347, publication of this Notice of Decision Not to Proceed hereby terminates the rulemaking action originally noticed on November 29, 2013, in the California Regulatory Notice Register.

For additional information, contact:

Debbie Damoth,
Administration and Regulations Manager
California State Board of Pharmacy
1625 N. Market Blvd., Suite N219
Sacramento, CA 95834
Telephone: (916) 574-7935
Fax: (916) 574-7917
E-mail: Debbie.Damoth@dca.ca.gov

RULEMAKING PETITION DECISIONS

DIVISION OF WORKERS' COMPENSATION

NOTICE OF DECISION ON PETITION TO AMEND REGULATIONS (Government Code section 11340.7)

TITLE 8, CALIFORNIA CODE OF REGULATIONS, SECTION 9792.10.1, ARTICLE 5.5.1 OF CHAPTER 4.5, SUBCHAPTER 1

PETITIONER: GEORGE CARROLL

By e-mail dated March 28, 2014, George Carroll (Petitioner) petitioned the Division of Workers' Compensation (DWC) in accordance with Government Code section 11340.6. Although not specifically citing the regulatory sections, the Petitioner requested DWC to: (1) repeal the provision of California Code of Regulations, title 8 (8 C.C.R.), section 9792.10.1(b)(1), which requires an employee, when filing an application for independent medical review (IMR), to submit both a signed Application for Independent Medical Review (DWC Form IMR) and a copy of the written decision delaying, denying, or modifying the request for authorization of medical treatment; and (2) repeal the regulatory requirement, as reflected on the DWC Form IMR (found at 8 C.C.R. section 9792.10.2) that limits the manner of submission of the IMR application to the designated Independent Medical Review Organization (IMRO), currently Maximus Federal Services, Inc. (Maximus), to either fax or mail.

AUTHORITY

Labor Code section 5307 authorizes the Acting Administrative Director of DWC to adopt, amend, or repeal any rule or regulation that is reasonably necessary to enforce Division 4 of the Labor Code, except where that power is specifically given to the Workers' Compensation Appeals Board. The statutes establishing the utilization review (UR) and IMR procedures, Labor Code sections 4610, 4610.5, and 4610.6, are found in Division 4.

Labor Code section 4603.5 further authorizes the Acting Administrative Director to adopt rules necessary to make effective Article 2, regarding medical and hospital treatment, of Part 2, Chapter 2, and Division 4 of the Labor Code. The statutes establishing the utilization review (UR) and IMR procedures, cited in the previous paragraph, are found in Article 2.

Labor Code section 4610.5 authorizes the Acting Administrative Director to prescribe a one-page form that an employee must use to initiate the IMR procedure.

CONTACT PERSON

Please direct any inquiries regarding this action to George Parisotto, Industrial Relations Counsel, Division of Workers' Compensation — Legal Unit, P.O. Box 420603, San Francisco, CA 94142.

AVAILABILITY OF PETITION

The petition to amend regulations is available upon request directed to the Division's contact person.

SUMMARY OF THE PETITION

Petitioner requested DWC to delete the requirement "that a worker do anything more than sign and submit an IMR-1 form." After indicating that Maximus is a large corporate entity ("MAXIMUS 'recorded' 2.4 Billion dollars in sales opportunities in 2013"), Petitioner states that the IMRO acted to "refuse an electronic transmission of an IMR from an injured worker." Petitioner states that this practice is counter to other organizations, such as the federal Department of Defense, banks, and stock exchanges that "have transmitted classified, sensitive, and protected data successfully for decades!"

Petitioner states that the burden of providing Maximus with a copy of the utilization review decision that denied or modified a medical treatment request should rest with the employer or claims administrator. An employer who denies treatment should "own the responsibility to the end" to provide for IMR and to provide the

justification for the initial UR decision. The requirements to have the employer pre-populate the IMR application and have the employee sign the application to initiate the appeal are proper. Other than the employee or treating physician wishing to voluntarily amplify the information necessary to make an IMR determination by submitting their own documents, all documentation should be submitted by mail, facsimile, or electronic transmission from the employer.

DEPARTMENT DECISION

The Acting Administrative Director of DWC declines the petition in its entirety.

The IMR process was established by the Legislature in Senate Bill 863, the landmark workers' compensation reform measure of 2012 as a means to efficiently resolve disputes over medical treatment. This procedure allows conflict-free physicians selected by a designated IMRO to conduct reviews of UR decisions issued by claims administrators that either deny or modify treatment requests by an injured worker's treating physician. In the final IMR determination issued by the physician reviewer — a determination that finds whether the requested treatment is medically necessary — the physician considers documentation that must be submitted by the claims administrator and any relevant documents that are voluntarily submitted by the injured worker.

Any dispute over a UR decision that finds a request treatment not medically necessary must be resolved through IMR. Labor Code section 4610.5(a). A request for IMR must be made by the injured worker within 30 days after the service of the UR decision to the injured worker. Labor Code section 4610(h)(1).

If the injured worker believes that a claims administrator wrongfully denied or modified his or her physician's request for medical treatment, the injured worker must file their IMR application and a copy of the UR decision with Maximus. 8 C.C.R. section 9792.10.1(b)(1) provides (emphasis added):

A request for independent medical review must be filed by an eligible party by mail, facsimile, or electronic transmission with the Administrative Director, or the Administrative Director's designee, within 30 days of service of the written utilization review determination issued by the claims administrator under section 9792.9.1(e)(5). **The request must be made on the Application for Independent Medical Review, DWC Form IMR, and submitted with a copy of the written decision delaying, denying, or modifying the request for authorization of medical treatment.** At the time of filing, the employee shall concurrently provide a copy of the signed DWC

Form IMR, without a copy of the written decision delaying, denying, or modifying the request for authorization of medical treatment, to the claims administrator.

The Application for Independent Medical Review (DWC Form IMR) is adopted as a regulation found at 8 C.C.R. section 9792.10.2. As plainly stated on the top of the DWC Form IMR and on the accompanying instruction sheet, the complete IMR application must be either mailed or faxed to Maximus. There is no indication on the form that the application can be transmitted or filed by any other means.

The regulatory requirements to file an IMR application are reasonable and necessary to carry out the Legislature's goal in creating an expeditious process to have medical experts make medical necessity decisions on treatment requests. The need for a copy of the UR determination at the onset of the process is to allow DWC to determine whether an IMR request is eligible for review. Such an eligibility finding must occur upon receipt of the application and prior to any formal request for records from the claims administrator. See Labor Code section 4610.5(k) and (l). The requirement that the injured worker provide this copy, rather than the claims administrator, serves several purposes. First, the copy provides DWC with information regarding the medical treatment dispute that is not captured on the IMR application. The application by statute is limited to one page. Labor Code section 4610.5(f). In addition to necessary identifying information (name of employee, name of claims administrator, name of treating physician), the form must contain other elements, including notice that the UR decision is final absent IMR review and a medical records release. The inclusion of these mandatory elements leaves little room for other information relevant to IMR. The UR decision can provide with specificity the date of the UR determination, the specialty of the treating physician, the requested treatment, the treatment that was authorized by the claims administrator, and the requested treatment that was either modified or denied. This information is pertinent to whether the application was timely filed, whether there was, in fact, a treatment dispute between the parties, and the selection of the IMR physician reviewer based on the type of request made by the treating physician.

Second, by statute, neither DWC nor its IMRO are authorized to formally request documents regarding the substance of the medical treatment dispute from the claims administrator until after the eligibility determination of the application. See Labor Code section 4610.5(k). Requesting such documents prior to the formal assignment of the request to a reviewer and a request for documentation would require additional re-

sources on the part of the Division to ask for the UR decision and drive up IMR costs for both the IMRO and the claims administrators due to multiple filings. The employee receives the IMR application with the UR decision; although not free from any burden, it should be a relatively easy task for an employee to copy the decision and submit it along with the IMR application. The requirement of the employee providing a copy of the UR decision may also separate those employees who genuinely want a review of their adverse UR decision versus those who simply want to impose IMR costs on their employer just by signing a pre-populated form and sending it in.

The mail and fax requirement of IMR application and copy of the UR decision is necessary to ensure the confidentiality of the employee's medical health records. Standard e-mail programs (i.e., Gmail, AOL, or Hotmail) are not secure and do not comply with the security and privacy provision of the Health Information Portability and Affordability Act (HIPAA). Transmitting documents by e-mail runs the risk of inappropriate access to confidential records. The Division has yet to adopt standards of encryption for the electronic transmission of health records via e-mail. In the absence of such standards, the Division cannot condone means of transmission that may expose an employee, a claims administrator, or the IMRO to an unforeseen liability or threat due to a data breach. DWC notes that as to the UR process, the transmission of health records via e-mail is prohibited. See the definition of "written" in 8 C.C.R. section 9792.6.1(z): "'Written' includes a communication transmitted by facsimile or in paper form. Electronic mail may be used by agreement of the parties although an employee's health records shall not be transmitted via electronic mail."

Petitioner indicates that the submission of an IMR application can be made by e-mail under 8 C.C.R. section 9792.10.1(b)(1), which provides that an IMR application "must be filed by mail, facsimile, or electronic transmission with the Administrative Director. . . ." Although this language can be facially misconstrued to allow an e-mail submission, it cannot, within the context of the regulatory structure, be reasonably seen as an authorization of such a practice. First, the Division has yet to promulgate standards for an electronic transmission of an IMR application. The language is in place since the Division and Maximus envision in the near future an on-line application process through a secure web portal. Second, the language contradicts the express instructions on the IMR application — an adopted regulation — that requires the submission of the form by either mail or fax. The broad language of section 9792.10.1(b)(1) cannot be interpreted to override the specific mandate of the detailed instructions.

OAL REGULATORY DETERMINATIONS

OFFICE OF ADMINISTRATIVE LAW

DETERMINATION OF ALLEGED UNDERGROUND REGULATION (Summary Disposition)

(Pursuant to Government Code Section 11340.5 and Title 1, section 270, of the California Code of Regulations)

The attachments are not being printed for practical reasons or space considerations. However, if you would like to view the attachments please contact Margaret Molina at (916) 324-6044 or mmolina@oal.ca.gov.

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Date: April 25, 2014
To: Joseph Sherman
From: Chapter Two Compliance Unit
Subject: **2014 OAL DETERMINATION NO. 7 (S)**
(CTU2014-0303-01)
(Summary Disposition issued pursuant to Gov. Code, sec. 11340.5; Cal. Code Regs., tit. 1, sec. 270(f))

Petition challenging as an underground regulation a memorandum titled: "2007 Sensitive Inmate Work Assignments (Revised)"

On March 3, 2014, the Office of Administrative Law (OAL) received your petition asking for a determination as to whether the memorandum titled: "2007 Sensitive Inmate Work Assignments (Revised)" constitutes an underground regulation. The memorandum is dated March 7, 2007. This "2007 Sensitive Inmate Work Assignments (Revised)" memorandum was issued by the warden at the R.J. Donovan Correctional Facility and is attached hereto as Exhibit A.

In issuing a determination, OAL renders an opinion only as to whether a challenged rule is a "regulation" as defined in Government Code section 11342.600,¹

which should have been, but was not adopted pursuant to the Administrative Procedure Act (APA).² Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment.

OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

Generally, a rule which meets the definition of a "regulation" in Government Code section 11342.600 is required to be adopted pursuant to the APA. In some cases, however, the Legislature has chosen to establish exemptions from the requirements of the APA. Penal Code section 5058, subdivision (c), establishes exemptions expressly for the California Department of Corrections and Rehabilitation (CDCR):

(c) The following are deemed not to be "regulations" as defined in Section 11342.600 of the Government Code:

(1) Rules issued by the director applying solely to a particular prison or other correctional facility. . . .

This exemption is called the "local rule" exemption. It applies only when a rule is established for a single correctional institution.

In *In re Garcia* (67 Cal.App.4th 841, 845), the court discussed the nature of a "local rule" adopted by the warden for the Richard J. Donovan Correctional Facility (Donovan) which dealt with correspondence between inmates at Donovan:

The Donovan inter-institutional correspondence policy applies solely to correspondence entering or leaving Donovan. It applies to Donovan inmates in all instances.

...

The Donovan policy is not a rule of general application. It applies solely to Donovan and, under Penal Code section 5058, subdivision (c)(1), is not subject to APA requirements.

Similarly, the rule challenged by your petition was issued by R.J. Donovan Correctional Facility and applies

¹"Regulation" means every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

² Such a rule is called an "underground regulation" as defined in California Code of Regulations, title 1, section 250, subsection (a):

"Underground regulation" means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

solely to the inmates of the R.J. Donovan Correctional Facility. Inmates housed at other institutions are governed by those other institutions' criteria for Sensitive Inmate Work Assignments. Therefore, the rule is a "local rule" and is exempt from compliance with the APA pursuant to Penal Code section 5058(c)(1). It is not an underground regulation.³

The issuance of this summary disposition does not restrict your right to adjudicate the alleged violation of section 11340.5 of the Government Code.

/s/
Debra M. Cornez
Director

/s/
Elizabeth A. Heidig
Senior Counsel

Copy:
Dr. Jeffrey Beard
Tim Lockwood

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Date: April 25, 2014
To: Robert Ellis
From: Chapter Two Compliance Unit
Subject: **2014 OAL DETERMINATION NO. 8 (S)**
(CTU2014-0226-03)
(Summary Disposition issued pursuant to
Gov. Code, sec. 11340.5;
Cal. Code Regs., tit. 1, sec. 270(f))

³ The rule challenged by your petition is the proper subject of a summary disposition letter pursuant to title 1, section 270 of the California Code of Regulations. Subdivision (f) of section 270 provides:

(f)(1) If facts presented in the petition or obtained by OAL during its review pursuant to subsection (b) demonstrate to OAL that the rule challenged by the petition is not an underground regulation, OAL may issue a summary disposition letter stating that conclusion. A summary disposition letter may not be issued to conclude that a challenged rule is an underground regulation.

(2) Circumstances in which facts demonstrate that the rule challenged by the petition is not an underground regulation include, but are not limited to, the following:

(A) The challenged rule has been superseded.

(B) The challenged rule is contained in a California statute.

(C) The challenged rule is contained in a regulation that has been adopted pursuant to the rulemaking provisions of the APA.

(D) The challenged rule has expired by its own terms.

(E) An express statutory exemption from the rulemaking provisions of the APA is applicable to the challenged rule.

[Emphasis added.]

Petition challenging as an underground regulation a memorandum titled:
"Allowable Property at High Desert State Prison"

On February 26, 2014, the Office of Administrative Law (OAL) received your petition asking for a determination as to whether the memorandum titled: "Allowable Property at High Desert State Prison" constitutes an underground regulation. The memorandum is dated June 19, 2013. This memorandum titled: "Allowable Property at High Desert State Prison" was issued by F. Foulk, the warden at the High Desert State Prison and is attached as Exhibit A.

In issuing a determination, OAL renders an opinion only as to whether a challenged rule is a "regulation" as defined in Government Code section 11342.600,¹ which should have been, but was not adopted pursuant to the Administrative Procedure Act (APA).² Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

Generally, a rule which meets the definition of a "regulation" in Government Code section 11342.600 is required to be adopted pursuant to the APA. In some cases, however, the Legislature has chosen to establish exemptions from the requirements of the APA. Penal Code section 5058, subdivision (c), establishes exemptions expressly for the California Department of Corrections and Rehabilitation (CDCR):

(c) The following are deemed not to be "regulations" as defined in Section 11342.600 of the Government Code:

(1) Rules issued by the director applying solely to a particular prison or other correctional facility. . . .

¹"Regulation" means every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

² Such a rule is called an "underground regulation" as defined in California Code of Regulations, title 1, section 250, subsection (a):

"Underground regulation" means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

This exemption is called the “local rule” exemption. It applies only when a rule is established for a single correctional institution.

In *In re Garcia* (67 Cal.App.4th 841, 845), the court discussed the nature of a “local rule” adopted by the warden for the Richard J. Donovan Correctional Facility (Donovan) which dealt with correspondence between inmates at Donovan:

The Donovan inter-institutional correspondence policy applies solely to correspondence entering or leaving Donovan. It applies to Donovan inmates in all instances.

...

The Donovan policy is not a rule of general application. It applies solely to Donovan and, under Penal Code section 5058, subdivision (c)(1), is not subject to APA requirements.

Similarly, the rule challenged by your petition was issued by F. Foulk, Warden of High Desert State Prison and governs the allowable property for inmates at High Desert State Prison. Inmates housed at other institutions are governed by those other institutions’ criteria for allowable property. Therefore, the rule is a “local rule” and is exempt from compliance with the APA pursuant to Penal Code section 5058(c)(1). It is not an underground regulation.³

The issuance of this summary disposition does not restrict your right to adjudicate the alleged violation of section 11340.5 of the Government Code.

/s/

Debra M. Cornez
Director

³ The rule challenged by your petition is the proper subject of a summary disposition letter pursuant to title 1, section 270 of the California Code of Regulations. Subdivision (f) of section 270 provides:

(f)(1) If facts presented in the petition or obtained by OAL during its review pursuant to subsection (b) demonstrate to OAL that the rule challenged by the petition is not an underground regulation, OAL may issue a summary disposition letter stating that conclusion. A summary disposition letter may not be issued to conclude that a challenged rule is an underground regulation.

(2) Circumstances in which facts demonstrate that the rule challenged by the petition is not an underground regulation include, but are not limited to, the following:

(A) The challenged rule has been superseded.

(B) The challenged rule is contained in a California statute.

(C) The challenged rule is contained in a regulation that has been adopted pursuant to the rulemaking provisions of the APA.

(D) The challenged rule has expired by its own terms.

(E) An express statutory exemption from the rulemaking provisions of the APA is applicable to the challenged rule.

[Emphasis added.]

/s/

Elizabeth A. Heidig
Senior Counsel

Copy:

Dr. Jeffrey Beard
Tim Lockwood

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2014-0326-01

BOARD OF BARBERING AND COSMETOLOGY
Equipment for Schools

This regulatory action by the Board of Barbering and Cosmetology (BBC) within the Department of Consumer Affairs (DCA) amends section 940 of title 16 of the California Code of Regulations, which relates to minimum equipment requirements for cosmetology schools. The amendment to section 940 of the California Code of Regulations also defines new minimum equipment requirements for barbering schools and electrolysis schools.

Title 16

California Code of Regulations

AMEND: 940

Filed 04/23/2014

Effective 07/01/2014

Agency Contact: Kevin Flanagan (916)575-7104

File# 2014-0407-04

BOARD OF REGISTERED NURSING

Sponsoring Entity Registration and Recordkeeping Requirements

This action without regulatory effect updates addresses and division names.

Title 16

California Code of Regulations

AMEND: 1495.1, 1495.2

Filed 04/24/2014

Agency Contact: Ronnie Whitaker (916)574-8257

File# 2014-0407-03

BUREAU OF REAL ESTATE APPRAISERS

Real Estate Appraisers — Technical and Conforming Charges

This action without regulatory effect conforms state regulations to federal requirements.

Title 10

California Code of Regulations

AMEND: 3541, 3568

Filed 04/23/2014

Agency Contact: Alec Stone (916)341-6126

File# 2014-0312-02

DEPARTMENT OF FOOD AND AGRICULTURE

Asian Citrus Psyllid Interior Quarantine

This certificate of compliance makes permanent prior emergency regulatory actions (OAL file nos. 2013-0917-03E, 2013-0927-02E, 2013-1011-02E, and 2013-1121-04E) that amended section 3435(b) by adding approximately 710 square miles in the Dinuba area of Tulare and Fresno counties, the Lemon Cove, Exeter, Porterville and Strathmore areas of Tulare County and the Wasco area of Kern County to the quarantine area for the Asian Citrus Psyllid (ACP) *Diaphorina citri*. The amendment provides authority for the state to perform quarantine activities against ACP within this additional area, along with the existing regulated areas in the entire counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara and Ventura, totaling approximately 46,323 square miles.

Title 3

California Code of Regulations

AMEND: 3435(b)

Filed 04/24/2014

Agency Contact: Lindsay Rains (916)654-1017

File# 2014-0317-01

DEPARTMENT OF INSURANCE

Workers' Compensation Insurance Deposits

In 2002, the enactment of Senate Bill 2093 resulted in the repeal of sections 11690 through 11721 of the California Insurance Code and the adoption of newly revised sections 11690 through 11703, which relate to worker's compensation deposit requirements. The revised section 11691 no longer required a surety bond for insurers seeking admission to transact workers' compensation insurance or reinsurance. The Department of Insurance hereby amends sections 2509.1 through 2509.20 of the California Code of Regulations as a change without regulatory effect to reflect the modifications that resulted from the enactment of SB 2093.

Title 10

California Code of Regulations

AMEND: 2509.1, 2509.3, 2509.4, 2509.5, 2509.6, 2509.7, 2509.8, 2509.9, 2509.10, 2509.11, 2509.12, 2509.13, 2509.14, 2509.15, 2509.16, 2509.17, 2509.18, 2509.19, 2509.20

Filed 04/29/2014

Agency Contact: Monica Macaluso (415)538-4118

File# 2014-0325-04

DEPARTMENT OF INSURANCE

Changes to the California Auto Assigned Risk Plan Manual

This File/Print action updates the California Automobile Assigned Risk Plan (CAARP) Rules and Rates Manual by amending Rule 25. The amendments simplify the rating procedures for furnished or available autos with no underlying insurance by replacing the charge of 50% of the furnished auto rates with a charge of 64% of the base rates and eliminates the higher rating factor for garage employees.

Title 10

California Code of Regulations

AMEND: 2498.5

Filed 04/23/2014

Effective 04/23/2014

Agency Contact: Mike Riordan (415)538-4226

File# 2014-0325-03

DEPARTMENT OF INSURANCE

Changes to the Low Cost Auto Plan of Operations

This File/Print action updates the Low Cost Auto Plan of Operations to allow applicants to receive immediate proof of insurance. The amendments also allow eligible applicants to pay their initial down payment with a debit or credit card and change the definition of household and family to eliminate the requirement that all blood relatives in the home be eligible for a Low Cost Auto policy.

Title 10

California Code of Regulations

AMEND: 2498.6

Filed 04/28/2014

Effective 04/28/2014

Agency Contact: Mike Riordan (415)538-4226

File# 2014-0314-02

DEPARTMENT OF MANAGED HEALTH CARE

Prescription Drug Prior Authorization Request Form Process

The Department of Managed Health Care is adopting section 1300.67.241 in the California Code of Regulations to implement, interpret, and make specific Health and Safety Code section 1367.241. The regulation in-

corporates by reference the Prescription Drug Prior Authorization Request Form 61–211. No later than six months after the effective date of this regulation, Form 61–211 will be the only form to be used by all health plans, risk-bearing organizations, physicians or physician groups that maintain or are delegated the financial risk for prescription drug benefits and utilize a prescription drug prior authorization process. The regulation further describes the procedures related to use of this form.

Title 28
California Code of Regulations
ADOPT: 1300.67.241
Filed 04/28/2014
Effective 05/28/2014
Agency Contact: Jennifer Willis (916)324–9014

File# 2014–0401–01
DEPARTMENT OF SOCIAL SERVICES
CalWORKs Non–Minor Dependents

This regulatory action amends the Manual of Policies and Procedures to extend CalWORKs benefits to Non–Minor Dependents (NMDs) placed with approved relatives out–of–state and exempts NMDs from the Statewide Fingerprint Imaging System and child support referral requirements.

Title MPP
California Code of Regulations
AMEND: 40–105, 42–422, 82–504
Filed 04/23/2014
Effective 04/23/2014
Agency Contact: Zaid Dominguez (916)657–2586

File# 2014–0402–02
ENVIRONMENTAL PROTECTION AGENCY
Conforming Amendment to Environmental Training Account

This rulemaking by the California Environmental Protection Agency makes changes without regulatory effect by amending sections of Title 27 of the California Code of Regulations relating to the Environmental Enforcement Training Account. Senate Bill 428 amended the allocations formula set forth in Penal Code section 14314. The non–substantive changes in this rulemaking bring the regulations into conformity with that statute.

Title 27
California Code of Regulations
AMEND: 10013, 10014
Filed 04/30/2014
Agency Contact: Alice Reynolds (916)322–7326

File# 2014–0424–03
FAIR POLITICAL PRACTICES COMMISSION
Determining Indirectly Involved Economic Interests
Amendments made by the Fair Political Practices Commission in this change without regulatory effect filing dealt with correcting a cross–reference.

Title 2
California Code of Regulations
AMEND: 18704
Filed 04/30/2014
Agency Contact:
Virginia Latteri–Lopez (916)322–5660

File# 2014–0424–04
FAIR POLITICAL PRACTICES COMMISSION
Proposed Technical Changes

Amendments made by the Fair Political Practices Commission in this change without regulatory effect filing dealt with a change to a cross–reference.

Title 2
California Code of Regulations
AMEND: 18707.9
Filed 04/30/2014
Agency Contact:
Virginia Latteri–Lopez (916)322–5660

File# 2014–0422–02
FISH AND GAME COMMISSION
Ocean Salmon Sportfishing — May–November 2014

This rulemaking action by the Fish and Game Commission (Commission) amends section 27.80 of title 14 of the California Code of Regulations to adopt the open fishing days, bag limits, and minimum size for ocean salmon sport fishing in effect beginning May 1, 2014. In addition, text is added to subdivision 27.80(d)(1)(A) to provide latitude and longitude coordinates for the Klamath River control zone identified in section 27.75 of title 14 of the California Code of Regulations. Other non–substantive changes are also included in this regulatory action in order to improve clarity and consistency of the regulation text.

Title 14
California Code of Regulations
AMEND: 27.80
Filed 04/30/2014
Effective 05/01/2014
Agency Contact: Sherrie Fonbuena (916)654–9866

File# 2014–0321–09
OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD
Fed OSHA DFR, Revision to CDAC Scope: Exception to Digger Derricks

This rulemaking by the Occupational Safety and Health Standards Board makes substantive changes to sections of Title 8 of the California Code of Regulations relating to exemptions for digger derricks. This rulemaking clarifies the regulatory language pertaining to digger derricks and provides consistency by removing discrepancies between existing Title 8 and its Federal counterpart regulations.

Title 8
California Code of Regulations
AMEND: 2940.2, 2940.7, 8602, 8610, 8611, 8615
Filed 04/28/2014
Effective 07/01/2014
Agency Contact: Marley Hart (916)274-5721

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN November 27, 2013 TO
April 30, 2014**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

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04/30/14 AMEND: 18707.9
04/16/14 ADOPT: 599.760.1 AMEND: 599.757,
599.759, 599.761, 599.768, 599.769
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02/10/14 AMEND: 58000
01/27/14 AMEND: 56800
01/21/14 AMEND: 1194
01/13/14 AMEND: 55300
12/23/13 ADOPT: 18950.2 AMEND: 18942,
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12/23/13 AMEND: 18351
12/02/13 ADOPT: 18417

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04/04/14 AMEND: 3435(b)
03/19/14 AMEND: 3406(b)

03/18/14 ADOPT: 6471 AMEND: 6000, 6400
03/18/14 AMEND: 3423(b)
03/10/14 AMEND: 3589(a)
03/05/14 ADOPT: 1358.3
02/26/14 AMEND: 3434(b)(c)(d)
02/25/14 AMEND: 3417(b)
02/25/14 AMEND: 3700(b)
02/20/14 AMEND: 3423(b)
02/20/14 AMEND: 3701, 3701.1, 3701.2, 3701.3,
3701.4, 3701.5, 3701.6, 3701.7, 3701.8
02/12/14 AMEND: 3700(c)
02/10/14 AMEND: 3435(b)
02/05/14 AMEND: 3435(b)
01/27/14 AMEND: 3406(b)
01/23/14 AMEND: 3591.11
01/14/14 ADOPT: 1392.13
01/09/14 AMEND: 1300, 1300.1, 1300.3,
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12/16/13 AMEND: 3591.12(a) & (b)
12/05/1 ADOPT: 1280, 1280.1, 1280.8, 1280.10
AMEND: 1280.73

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04/02/14 AMEND: 2066
03/28/14 AMEND: 10302, 10305, 10315, 10317, 10
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03/11/14 ADOPT: 1927.1
03/10/14 ADOPT: 10080, 10081, 10082, 10083,
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02/03/14 ADOPT: 10170.16, 10170.17, 10170.18,
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12/23/13 AMEND: 5000, 5170, 5190, 5205, 5212,
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12/04/13 AMEND: 12200.20, 12220.20, 12480,
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02/28/14	ADOPT: 19843, 19844, 19848, 19849, 19855 AMEND: 19815, 19816, 19816.1, 19817.2, 19819, 19820, 19824, 19828.4, 19840, 19845.2, 19850, 19851, 19852, 19853 REPEAL: 19839	01/09/14	AMEND: 5155
02/13/14	ADOPT: 80033	01/07/14	AMEND: 4297
02/06/14	ADOPT: 15494, 15495, 15496, 15497	12/26/13	AMEND: 9789.12.2, 9789.12.3, 9789.12.4, 9789.12.8, 9789.19
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04/14/14	AMEND: 5001	04/23/14	AMEND: 3541, 3568
04/09/14	AMEND: 1619.1(b)	04/23/14	AMEND: 2498.5
04/03/14	AMEND: 4355	04/21/14	ADOPT: 2907.1, 2907.2, 2907.3, 2907.4
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02/12/14	ADOPT: 9792.5.4, 9792.5.5, 9792.5.6, 9792.5.7, 9792.5.8, 9792.5.9, 9792.5.10, 9792.5.11, 9792.5.12, 9792.5.13, 9792.5.14, 9792.5.15 AMEND: 9792.5.1, 9792.5.3, 9793, 9794, 9795	04/01/14	ADOPT: 6408, 6410, 6450, 6452, 6454, 6470, 6472, 6474, 6476, 6478, 6480, 6482, 6484, 6486, 6490, 6492, 6494, 6496, 6498, 6500, 6502, 6504, 6506, 6508, 6510, 6600, 6602, 6604, 6606, 6608, 6610, 6612, 6614, 6616, 6618, 6620
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		03/17/14	ADOPT: 6458
		03/10/14	ADOPT: 6424, 6440
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		02/25/14	ADOPT: 2218.30
		02/24/14	ADOPT: 2594, 2594.1, 2594.2, 2594.3, 2594.4, 2594.5, 2594.6, 2594.7
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02/10/14 ADOPT: 6650, 6652, 6654, 6656, 6657,
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12/23/13 ADOPT: 6456
12/19/13 AMEND: 2698.200
12/19/13 AMEND: 2698.602
12/09/13 ADOPT: 2594, 2594.1, 2594.2, 2594.3,
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11/27/13 ADOPT: 1718.1

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02/19/14 AMEND: 999.10
01/14/14 AMEND: 1015(c)
12/26/13 ADOPT: 4200, 4210, 4220, 4230, 4240
12/18/13 AMEND: 4001, 4002
12/12/13 AMEND: 1001, 1005, 1006, 1007, 1008,
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12/12/13 AMEND: 44.3
12/12/13 ADOPT: 51.28
12/02/13 AMEND: 1954(f), 1955(g), 1960(f)
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03/13/14 AMEND: 1239
02/24/14 AMEND: 1
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12/30/13 AMEND: 423.00
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04/07/14 AMEND: 790, 820.01
04/01/14 AMEND: 27.80
03/26/14 AMEND: 916.9(g)(2)(A),
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02/19/14 AMEND: 7.00, 7.50, 8.00
02/10/14 AMEND: 701
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12/20/13 ADOPT: 2012 AMEND: 2010, 2015,
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12/19/13 AMEND: 705
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12/17/13 AMEND: 2530, 2535
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02/06/14 ADOPT: 3750, 3751, 3752, 3753, 3754,
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04/14/14	AMEND: 1749	03/04/14	AMEND: 1502
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04/16/14	AMEND: 1230, 2641.57	01/08/14	AMEND: 1.2, 1.5, 1.9, 1.10, 1.13, 2.4, 3.3, 3.6, 4.2, 8.3, 13.1, 13.8, 13.11, 13.13, 14.1, 14.2, 14.5, 14.6, 15.2, 16.6, 18.1
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 03/24/14 ADOPT: 6932 REPEAL: 6932

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04/16/14 AMEND: 25302, 25304
 02/20/14 AMEND: 27001
 12/17/13 ADOPT: 15186.1 AMEND: 15100, 15110, 15150, 15170, 15180, 15185, 15186, 15187, 15188, 15190, 15200, 15210, 15220, 15240, 15242, 15250, 15260, 15280, 15290, 15300, 15330, Appendix B, Div. 3, Subd. 1, Ch. 1, Ch. 2, Ch. 3, Ch. 4, Ch. 5, Ch. 6 REPEAL: 15189, 15400, 15400.1, 15400.3, 15400.4, 15410, 15600, 15610, 15620

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 04/14/14 ADOPT: 1300.67.005
 12/16/13 ADOPT: 1300.67.005

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